THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 8 NUMBER 221

Washington, Saturday, November 6, 1943

The President

EXECUTIVE ORDER 9394

AMENDING SUBDIVISION VII OF SCHEDULE A OF THE CIVIL SERVICE RULES [1]

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403), Subdivision VII of Schedule A of the Civil Service Rules is hereby amended by adding thereto the following paragraph:

"10. Fourth-class postmasters in the Hawaiian Islands."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 4, 1943.

[F. R. Doc. 43-17965; Filed, November 5, 1943; 11:40 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[Bulletin NSCP—801]

PART 706—NAVAL STORES CONSERVATION PROGRAM [2]

Bulletin for the information of producers of gum naval stores in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. This bulletin explains the procedure to be followed in order to qualify for payments under the Naval Stores Conservation Program for 1944.

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator, by Executive Order No. 9322, as amended by Executive Order No. 9334, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1944, it is ordered that:

Sec.
706.501 Authority and availability of funds.
706.502 Definition of terms.
706.503 Duration of program.
706.504 Kind of payments.
706.505 Conditions of payment; performance required.
706.506 Rates of payment and further conditions.
706.507 Application and eligibility for payment.
706.508 Administration.

AUTHORITY: §§ 706.501 to 706.508, inclusive, issued under secs. 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 16 U.S.C. 1940 ed. 590g–590q.

§ 706.501 *Authority and availability of funds.* Payments will be made for participation in the 1944 Naval Stores Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1944 Naval Stores Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in the program. Any increase or decrease in the rates of payments set forth herein because of the extent of participation in the program will not be in excess of 10 percent.

§ 706.502 *Definition of terms.* (a) "Turpentine farm" means the land and turpentine timber owned or leased, or operated on a sharecrop basis, and under one management and in one general locality, which is being operated for the production of gum naval stores.

(b) "Gum naval stores" means crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

(Continued on next page)

[1] See E.O. 9004, 7 F.R. 2; E.O. 9298, 8 F.R. 1607.

[2] Subpart F—1944.

CONTENTS

THE PRESIDENT

REGULATIONS AND NOTICES

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

(c) "Producer" means any person or persons, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity and producing gum naval stores from timber controlled for turpentine purposes through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(d) "Face" means the whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), hereinafter referred to as gum.

(e) "Cup" means a container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(f) "Tins" means the gutters or aprons, made of sheet metal or other material, used to aid in conducting the gum from a face into a cup.

(g) "Crop" means 10,000 faces.

(h) "Drift" or "tract" means a portion or subdivision of a crop set apart for convenience of operation.

(i) "D. b. h." means diameter breast height; i. e., diameter of tree measured at 4½ feet from the ground.

(j) "Turpentine season" means the entire calendar year or, if a turpentine farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his farm for the production of gum naval stores.

(k) "Application" means the prescribed form of application for payment for cooperating in the 1944 Naval Stores Conservation Program (hereinafter referred to as this program).

§ 706.503 *Duration of program.* The period during which this program is to be in effect is the period January 1 to December 31, 1944, inclusive.

§ 706.504 *Kind of payments.* Payment will be made, at the rates and subject to the conditions set forth in § 706.506 to producers who in 1944 carry out the approved practices set forth in § 706.505 with respect to turpentine farms currently being worked in 1944, beginning such cooperation within time limits to be established by the Forest Service of the United States Department of Agriculture (hereinafter referred to as the Forest Service) as appropriate and practicable time limits necessary to afford full opportunity to producers to cooperate in this program and to obtain a full measure of compliance with the objectives of this program.

§ 706.505 *Conditions of payment; performance required.* In order to qualify for payment, producers shall meet the following requirements:

(a) *Working small trees prohibited.* No face (either old or new) shall be worked during the 1944 turpentine season on any tree less than 9 inches d. b. h. on any turpentine farm or farms owned,

leased, or worked by the participating producer.

(b) *Only one face permitted on trees under 14 inches in diameter.* No tree that is less than 14 inches d. b. h. shall have more than one face worked during the 1944 turpentine season on any turpentine farm or farms owned, leased, or worked by the participating producer.

(c) *Virgin faces on trees 9 inches or larger eligible for payment.* Payment will be made on all virgin faces worked, either owned or leased, by the participating producer if all such virgin faces are on trees 9 inches d. b. h. or larger.

(d) *Working quotas.* For this program there will be no recognition of "base" as it was used in any previous program; and therefore no limitation resulting from "base" provisions as to the number of faces a producer may work. A producer may work any number of faces under this program, provided that all faces so worked conform to the performance requirements outlined in the other paragraphs of this section.

(e) *Written evidence of leases required.* Any producer who acquires faces through a new lease or the renewal of an expiring lease must present to the Forest Service satisfactory proof in writing of such a transaction.

(f) *Restrictions concerning non-participating operations.* Any producer otherwise participating in this program who permits his labor to operate timber which he owns or controls and cannot operate and remain eligible for participation under the terms of this program, or who assists in any manner in the operation of such timber or the sale or processing of the gum therefrom, either directly or through a relative or employee or through any member, officer, or employee of any partnership, corporation, or other business enterprise in which he has any interest or with which he has any connection, or in any other manner whatsoever, shall not be eligible to receive any benefit payment under this program.

(g) *Faces installed on small trees in 1941, 1942, and 1943 not eligible for payment.* As in previous programs, participants in this program will be paid for the removal of faces on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h. as required by paragraphs (a) and (b) of this section, if the cups on such trees were installed during the 1940 turpentine season: *Provided,* Such removed faces are located in drifts that contain working faces which are continued in operation. As announced in the 1941, 1942, and 1943 bulletins, no payment will be made for the removal of faces that were installed during the 1941, 1942, and 1943 seasons on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h.; and in the event of a Naval Stores Conservation Program for 1945 no payment will be made on such faces installed in 1944.

(h) *Cups and tins must be detached from small trees.* Cups and tins must be detached from those faces removed from operation on trees under 9 inches d. b. h. or between 9 and 14 inches d. b. h., but need not be removed from the area.

(i) *Limitation of working height of faces.* Total streaks per face made during the period of this program, averaged by drifts or tracts, shall not exceed 24 inches in vertical measurement between shoulders of first streak and shoulders of last streak.

(j) *Minimum number of streaks required.* Payment shall not be made on faces in production which do not average, by drifts or tracts, at least 12 streaks for the 1944 turpentine season, which streaks shall have been made at no greater frequency than two streaks per week.

(k) *Over 90-inch faces not eligible for payment.* Payment shall not be made on working faces, or on faces required to be removed by paragraphs (a) and (b) of this section, in any drift or tract where the average height of faces exceeds 90 inches at the beginning of the 1944 turpentine season, in vertical measurement between shoulders of first streak and shoulders of last streak, including jump streaks.

(l) *Repayment for faces removed from small trees.* Payment shall not be made on faces taken out, or remaining out, of production pursuant to the provisions of paragraphs (a), (b), and (g) of this section in any drift or tract (1) unless such faces were discontinued under the 1941 program and have been kept out of production continuously since removal from production and (2) unless the cups on all such faces were installed during the 1940 turpentine season and such faces are under the producer's control for turpentine purposes throughout this program.

(m) *Chemical application to faces on experimental tracts.* Additional benefit payments, intended to partly compensate for extra supervision and records and to induce cooperation, will be made to a few participating producers (selected in advance by the Forest Service from volunteer applicants in areas where frequent observation is economical) for the experimental application of chemical stimulants to a portion (not in excess of approximately one crop) of the faces worked by the producer if the experiment is carried out in accordance with conditions prescribed by the Forest Service.

(n) *Bark-bar requirement.* No tree shall have any new (first-year) back face unless a bark-bar on each side of the back face is provided and maintained throughout the 1944 turpentine season, the total of the two being not less than 7 inches in width, measured horizontally along the bark surface: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces.

(o) *Consolidation of farms.* Any person having part ownership and control of more than one turpentine farm shall have the right and privilege of consolidating two or more such farms for the purpose of carrying into effect the provisions of this program.

(p) *Only participants eligible for loans.* In the event of a loan or purchase program being set up for producers during 1944, only those producers who are participating in this program will be eligible for loans except as provided in paragraph (q) of this section.

(q) *Operators on public domain not eligible for payments.* The provisions of this program are not applicable to producers on such portion of their operations as may be within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership (such lands include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Division of Grazing or the Fish and Wildlife Service of the United States Department of the Interior): *Provided, however,* That such producers shall have the privilege of participating in any loan or purchase program for naval stores producers which may be in operation during 1944.

This program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

This program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Forest Service finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

(r) *Fire protection requirements.* The participating producer shall to the best of his ability protect from fire all forest land of any kind within each turpentine farm owned, leased, or otherwise controlled by him for the duration of this program, and in doing so shall cooperate with the State and Federal Governments in any cooperative forest fire protective system that exists contiguous to his turpentine farm or within the area within which such farm is situated; *Provided,* That the producer shall not be required to pay the cost of fire protection on land not owned by him unless so stipulated in the terms of his lease. He shall, however, conduct his operations in all cases in such manner as will prevent fire escaping to adjoining forest lands, whether protected or not.

(s) *Timber cutting requirements.* The participating producer, in order to provide for restocking and to promote continued production of timber upon which the naval stores, pulp and paper, lumber, and other wood-using industries are dependent, shall, in any and all cutting of timber during the calendar year 1944, which is owned by him or is on land owned by him, meet or exceed the following minimum requirements:

(1) In cutting operations within turpentine stands, all worked-out turpentine, defective turpentine, and non-turpentine trees may be cut, provided at least 6 thrifty seed trees of turpentine species per acre, 8 inches or more in diameter, outside bark, at the stump (12 inches above the ground), are left uncut and undamaged, or provided sufficient young growth of turpentine species (at least 150 trees per acre not less than 6 to 8 feet high) is left uncut and undamaged; no round turpentine trees, except such as are defective or where thinnings are needed, shall be cut, provided that the prohibition against the cutting of round timber shall not apply in cases where such timber is being utilized for a higher economic purpose than the production of gum; necessary thinnings may be made, but in such case there shall be left uncut and undamaged not less than 50 trees of turpentine species per acre at least 6 to 9 inches in diameter, outside bark, at the stump (12 inches above the ground). A turpentine stand is a stand of predominantly longleaf and/or slash pine, containing sufficient trees of these species to justify use for the production of gum.

(2) In pine timber cutting operations on non-turpentine stands, at least 4 thrifty seed trees per acre, 8 inches or more in diameter, outside bark, at the stump (12 inches above the ground) shall be left uncut and undamaged unless sufficient young growth (at least 150 trees per acre not less than 6 to 8 feet high) is left uncut and undamaged. A non-turpentine stand is a stand of predominantly non-turpentine species containing too few longleaf and/or slash pines to justify gum production.

Payment may be made on working faces or removed faces if the trees having such face or faces is cut or removed after October 15, 1944, provided the producer has given 30 days' notice to the Forest Service of his intention to cut and has, subsequent to the giving of such notice, received written permission to cut from a District Supervisor of the Forest Service.

(t) *Records required to facilitate administration of program.* Each participating producer in measuring his trees to determine those to be worked under this program shall make an accurate count, by drifts, lots, or other suitable units, of all such faces and shall separately account for those located on fee land and those on leased lands; and he shall make and keep a written record thereof and furnish such record to the Forest Service, together with a description of the lands. Each producer who files a work sheet shall assist the representatives of the Forest Service in the administration of this program by giving them free access to his turpentine farm, indicating the location of trees and faces recorded on the work sheet, furnishing competent labor to assist the inspector in counting trees, and otherwise facilitating the work of the inspectors in checking compliance with the terms and conditions of this program. All drifts or tracts must be clearly marked either by paint or non-injurious blazes, so that drift or tract lines can be traced in the field without a guide. Any producer participating in this program is required to notify the Forest Service promptly in writing after the work sheet has been filed (1) if there is any change in ownership or control, (2) if there is any transfer, expiration, or sale of lease, and (3) at least 30 days in advance if any timber on the turpentine farm is to be cut.

§ 706.506 *Rates of payment and further conditions*—(a) *Rates of payment.* In connection with the utilization, during the period of this program, of land devoted to growing trees suitable for or used in the production of gum naval stores, on all turpentine farms operated in accordance with the conditions set forth in this bulletin, payment will be made to each participating producer at the following rates:

(1) 1¾ cents per face for each face in continuous operation during the 1944 turpentine season, except faces in drifts or tracts which, by drifts or tracts, average more than 90 inches in height at the beginning of the 1944 turpentine season.

(2) 3 cents additional per face for each face in the selected areas on which chemical stimulation experiments are conducted as prescribed under § 706.505 (m).

(3) 5 cents per face for any one face of one or more faces on trees less than 9 inches d. b. h. and for any one face of two or more faces on trees 9 to 14 inches d. b. h., which are removed from operation during the 1944 turpentine season, or which were taken out of operation during the 1941 program and kept out of operation during succeeding programs, including this program, for which payment was made in a previous program, and which were first installed during the 1940 turpentine season.

(b) *Payments limited to $10,000.* The total of all payments made in connection with all programs for 1944 under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, to any individual, partnership, or estate, with respect to turpentine places, farms, and ranching units, situated within a single State, Territory, or possession, shall not exceed the sum of $10,000. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to turpentine places, farms, and ranching units situated in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of $10,000.

(c) *Payment restricted to effectuation of purposes of this program.* All or any part of any payment which has been or otherwise would be made to any person under this program may be withheld or required to be returned if he adopts or has adopted any practice which tends to defeat any of the purposes of this or any previous program, including the loan program, if any, or if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or participated in offsetting, in whole or in part, the performance for which payment is otherwise authorized, or if, with respect to grazing land, forest land, or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

Any person who, for any part or all of the 1944 turpentine season, leases any turpentine timber owned or controlled by him, or transfers his lease on any turpentine timber, or sells his turpentine timber, to another person who he knows or has good reason to believe will not carry out all sound conservation practices throughout the 1944 turpentine season on such turpentine timber shall not be eligible to receive any payment whatsoever under this program or to receive under the 1944 Agricultural Conservation Program any payment with respect to the farm in which such turpentine timber was embraced.

(d) *Increase in small payment.* The total payment computed for any producer with respect to his turpentine farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	*Increase in payment*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.00	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40

Amount of payment computed:	*Increase in payment*
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

(e) *Administrative expenses.* Pursuant to the authorization under the provisions of section 388 of the Agricultural Adjustment Act of 1938, as amended, and the last proviso under the item "Conservation and Use of Agricultural Land Resources" in the 1939 Agricultural Appropriation Act, no part of local administration expenses in connection with this program will be "deducted pro rata" from payments to participants.

§ 706.507 *Application and eligibility for payment*—(a) *Filing of work sheet and application.* Payments will be made upon the basis of facts established in an application for payment properly executed on Form NSCP–803 and filed with a district or regional office of the Forest Service. Each person filing an application for payment will be required to show that a work sheet has been properly executed and timely filed covering each turpentine farm owned, leased, or otherwise controlled, and being operated by him, with respect to which an application for payment is filed.

An application for payment may be made by any producer who is actively engaged in the production of gum naval stores during the 1944 turpentine season.

(b) *Time limit for filing work sheets and applications.* Work sheets and applications shall be filed in the manner prescribed and within time limits established by the Forest Service as affording reasonable opportunity to producers to participate in the benefits of this program and keeping the administrative costs within the budget and as low as reasonably may be reached.

(c) *Producers eligible for payments.* Payment will be made to the producer who operates the turpentine farm and who executes the application for payment. In the event one producer conducts the operation of a turpentine farm during a portion of the 1944 turpentine season and another producer conducts the operation of the turpentine farm during the remainder of the season, payment will be made to the producer who last conducts the operation of the turpentine farm during the season; *Provided, however,* That, in the event of a mutual agreement between the original producer and the successor-producer, payments shall be divided between such producers on the basis of such mutual agreement as evidenced by their joint application.

(d) *Time of payment.* Payment will be made as soon as practicable after a final field inspection of the turpentine farm on which a work sheet has been filed and after an application for payment has been filed with respect to such farm.

(e) *Assignments.* In order to carry out the provisions of section 8 (g) of the Soil Conservation and Domestic Allotment Act, as amended, and as modified by the last proviso to the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture" contained in the Department of Agriculture Appropriation Act, 1939:

Any producer who may be entitled to any payment in connection with the 1944 Naval Stores Conservation Program may assign his interest in such payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1944. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69–Revised in accordance with the instructions (ACP–70 as amended), witnessed, however, by a district supervisor or an inspector of the Forest Service and filed with the Regional Office of the Forest Service, Atlanta, Georgia, or with the office of the appropriate district supervisor of the Forest Service located at Jacksonville, Florida; Savannah, Georgia; or Pensacola, Florida; nor unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Agency.

The foregoing provision shall not be construed to give an assignee a right to any payment other than that to which the producer is entitled, and, if the payment is made to the producer without regard to the existence of any assignment, no disbursing agent shall be subject to any suit or liability.

§ 706.508 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to make such determinations and to prepare and issue such bulletins, instructions, and forms as may be required to administer this program pursuant to the provisions hereof and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia.

Issued at Washington, D. C., this 4th day of November 1943.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 43–17902; Filed, November 4, 1943; 4:13 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 88]

PART 1405—FRUITS AND VEGETABLES

APPLES

The fulfillment of the requirements for the defense of the United States will result in a shortage in the supply of apples for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.40 *Restrictions relative to apples*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "apples" means and includes, except all varieties of crab apples and of Lady apples, (i) all apples grown in the State of Washington, if such apples meet the minimum requirements of fancy grade, or higher grades, as specified in the "Washington Standards for Apples," promulgated May 1939, and are located either in the State of Washington or in the State of Oregon; (ii) all apples grown in the State of Oregon, if such apples meet the minimum requirements of fancy grade, or higher grades, as specified in the "Oregon Standards for Apples," promulgated on July 28, 1937, reissued July 31, 1941, and are located either in the State of Oregon or in the State of Washington.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) The term "Director" means the Director of Food Distribution, War Food Administration.

(4) The term "governmental agency" means (i) the Armed Services of the United States (excluding, for the purposes of this order, the United States Army post exchanges, the United States Navy ship service departments, and the United States Marine Corps post exchanges); (ii) the War Food Administration, including, but not being limited to, the Federal Surplus Commodities Corporation; (iii) the War Shipping Administration; and (iv) any other instrumentality or agency designated by the War Food Administrator.

(5) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(6) The term "Order Administrator" means the person designated by the Director to serve as Order Administrator or alternate for the Order Administrator, pursuant to the provisions of this order.

(b) *Restrictions.* (1) Each person owning 500 bushels, or more, of apples, at or after the effective time of this order, shall immediately set aside or cause to be set aside 15 percent of each variety of such apples.

(2) All apples required to be set aside pursuant to the provisions of this order shall be of the sizes known as 88's to 175's, inclusive, more specifically defined as the number of apples of fairly uniform size which are customarily wrapped and place-packed in a closed container, the inside measurements of which are 18 inches in length, 11½ inches in width, and 10½ inches in depth: *Provided,* That in the event any person required to set aside apples, as aforesaid, does not own a sufficient quantity of such apples meeting the size specifications hereof, he shall set aside, as aforesaid, except as hereinafter provided in (b) (3), all apples of the sizes specified herein which are owned by him.

(3) Any quantity of apples which was included in a lot of apples with respect to which the requisite percentage of apples has been set aside, as aforesaid, shall thereafter, even in the hands of a subsequent owner, be free from the set-aside requirements hereof.

(4) No person shall sell or deliver apples, set aside as aforesaid, except to a governmental agency, and such apples shall be packed in a manner acceptable to such governmental agency.

(5) The Director may, from time to time, if he deems that such will tend to effectuate the purposes of this order, issue a written release for any lot of apples, set aside as aforesaid, any other provision of this order to the contrary, notwithstanding. Any person may purchase, accept delivery of, or use any apples released, as aforesaid, by the Director.

(6) Each person subject to the provisions of this order shall, within seven calendar days following the effective date hereof, correctly complete and forward to Deputy Order Administrator, Food Distribution Order No. 88, 210 Mayer Building, Portland, Oregon, Form No. 88–1, in which he shall specify, among other things, the location, quantity, and variety of all apples which are owned by such person and are subject to this order.

(c) *Contracts.* The provisions of this order, or of any orders or regulations issued in pursuance hereof, shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of any person's books, records and other writings, premises or stocks of apples, and to make such investigations as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(e) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall maintain, for at least two years, or for such period of time as the Director may designate, an accurate record of his transactions in apples.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Provisions of Food Distribution Regulation No. 2 and Food Distribution Regulation No. 3 not applicable.* The provisions of Food Distribution Regulation No. 2 (8 F.R. 7523), issued June 4, 1943, by the War Food Administrator, and Food Distribution Regulation No. 3 (8 F.R. 13880), issued October 8, 1943, by the War Food Administrator, effective November 15, 1943, shall not be applicable to this order.

(g) *Relevancy to Food Distribution Order No. 69.* Apples heretofore or hereafter released from regulation under Food Distribution Order No. 69 (8 F.R. 10477) are free from regulation under this order.

(h) *Designation of Order Administrator and alternate.* The Director shall designate two employees of the United States Department of Agriculture to serve as Order Administrator and alternate for the Order Administrator, respectively. Whenever the Order Administrator is absent or unable to act, the alternate shall act as Order Administrator.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 88, Fruit and Vegetable Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final.

(j) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using apples, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(l) *Communications.* All reports required to be filed and all communications concerning this order shall, unless otherwise specified, be addressed to Order Administrator, Food Distribution Order No. 88, Fruit and Vegetable Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref. FDO 88.

(m) *Effective date.* This order shall become effective at 12:01 a. m., P. w. t., November 6, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 5th day of November 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–17955; Filed, November 5, 1943; 11:35 a. m.]

[FDO 75–2, Amdt. 4]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Food Distribution Order No. 75–2, § 1410.18, as amended (8 F.R. 11325, 11890, 12504, 14073), is further amended to read as follows:

§ 1410.18 *Beef required to be set aside*—(a) *Definitions.* (1) "Armed services of the United States" means the Army, Navy, Marine Corps or Coast Guard of the United States, excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations.

(2) "Northern Area of Zone 9" includes the following territory:

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island;

(ii) All that portion of New York east of and including the counties of Saint Lawrence, Jefferson, Lewis, and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond;

(iii) All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

(iv) New Jersey and Delaware;

(v) All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys;

(vi) The District of Columbia.

(3) Any term not specifically defined herein shall have the meaning ascribed thereto in Food Distribution Order No. 75 (8 F.R. 11119), or Director Food Distribution Order No. 75–1 (8 F.R. 11327).

(b) *Quantity; grade; processing.* Notwithstanding the provisions of Director Food Distribution Order No. 75–1, and the provisions of the order of the Director issued on September 1, 1943 (8 F.R. 12122), partially suspending certain provisions of that order, no Class 1 slaughterer shall deliver meat unless he shall:

(1) Set aside, reserve, and hold for delivery to the armed services of the United States, the War Shipping Administration, and any person who, pursuant to a Food Distribution Regulation, is entitled to purchase food subject to this order:

(i) 50 percent of the conversion weight of each week's production of beef graded "U. S. Choice", "U. S. Good", and "U. S. Commercial", obtained from steers and heifers whose carcasses meet Army specifications for carcass beef or frozen boneless beef;

(ii) In the form of carcass or frozen boneless beef meeting Army specifications, 50 percent of each week's production of beef graded "U. S. Utility" produced from steers and heifers whose carcasses meet Army weight specifications; and

(iii) In the case of any slaughterer of kosher beef located in the Northern Area of Zone 9, who has registered with the Office of Price Administration as required by paragraph (d) of § 1364.407 of Maximum Price Regulation 169, as amended, the percentage applicable under (b) (1) (i) and (b) (1) (ii) hereof shall be 35 percent for all beef derived from the slaughter of steers and heifers, the forequarters or wholesale kosher cuts of which have been sold or delivered as kosher beef to bona fide buyers of kosher beef.

(2) Bone in accordance with Army specifications for frozen boneless beef not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (i) hereof, and not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (ii) hereof: *Provided, however,* That the Order Administrator may exempt, wholly or partially, any Class 1 slaughterer from this requirement upon a proper showing that said slaughterer (i) does not have adequate facilities for boning, or (ii) does not have, or is unable to obtain, sufficient personnel to bone said beef, or (iii) is unable to comply with this requirement for any reason which appears to the Order Administrator to warrant such exemption.

(c) *Storage; packaging.* Any beef set aside and reserved in accordance with the requirements of this order shall be stored in such manner as to maintain the quality thereof. Such beef shall be prepared and packaged in accordance with Army specifications for carcass beef or frozen boneless beef.

(d) *Credits allowed on deliveries.* Deliveries of beef of the class and grade required to be set aside may be credited against the requirements of (b) (1) or (b) (2) hereof, as follows:

(1) Carcass beef, not exceeding the amount authorized to be set aside as carcass beef under (b) (1) and (b) (2), delivered to any person or agency specified in (b) (1) hereof, may be credited against the requirements of (b) (1).

(2) Boneless beef delivered to any person or agency specified in (b) (1) hereof, may be credited against the set aside requirements of (b) (1) and the boning requirements of (b) (2).

(3) Any beef which is stamped by a representative of the United States Army and delivered to any processor for use in the fulfillment of a contract for boneless beef with any person or agency specified in (b) (1) hereof, may be credited against the set aside requirements of (b) (1) and the boning requirements of (b) (2) hereof.

No credit shall be allowed for such deliveries when made to processors unless within 10 days after delivery, the slaughterer obtains a certificate signed by the processor, acknowledging receipt of the meat by him and containing the following: The name and address of both parties; the date or dates of delivery; the contract number of the contract between the processor and the person or agency specified in (b) hereof; and a statement by the processor that the beef so delivered will be or has been used in the fulfillment of such contract. The slaughterer shall endorse on such certificate the conversion weight of such beef, and shall retain the certificate for delivery to the Director upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false. (This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(e) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any Class 1 slaughterer is required to offer or to deliver under any existing contract with the agencies named in (b) hereof, or with the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation), the United States Maritime Commission or the Veterans' Administration; but any meat required to be delivered after the effective date of this order to such agencies pursuant to pre-existing contracts other than those entered into with the Food Distribution Administration, War Food Administration, the United States Maritime Commission or the Veterans' Administration after June 11, 1943 may be used as a credit against the amount of meat required to be set aside or boned pursuant to the provisions of this order.

This amendment shall become effective at 12:01 a. m., e. w. t., November 8, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75–2, as amended, prior to the effective date of this amendment, all provisions of Food Distribution Order No. 75–2, as amended, in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 75, 8 F.R. 11119)

Issued this 5th day of November 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–17954; Filed, November 5, 1943; 11:35 a. m.]

[Docket No. FDA–NE–125]

PART 1590—SUSPENSION ORDERS

JAMES VAN DYK TEA & COFFEE CO.

This proceeding involves the alleged violation by Max Aiken, an individual doing business as James Van Dyk Tea & Coffee Co., 74 Dorrance Street, Providence, Rhode Island (the "respondent"), of certain orders issued by the War Production Board relating to the conservation of tea. These orders include Conservation Order M–111, issued March 27, 1942 (7 F.R. 2390), as amended on May 1, 1942 (7 F.R. 3265); Amendments 2 and 3 to Conservation Order M–111, as amended on May 1, 1942, issued August 13, 1942 (7 F.R. 6365), and September 15, 1942 (7 F.R. 7281), and Supplementary Order M–111–d (7 F.R. 5904), issued July 30, 1942 (the "orders").

These orders were superseded by Food Distribution Order 18 (8 F.R. 1778), which was issued by the Secretary of Agriculture on February 6, 1943, pursuant to Executive Order 9280 (7 F.R. 10179). However, this food distribution order contains a saving clause (§ 1415.2 (n)), which provides that Conservation Order M–111, as amended and supplemented, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to violations thereof. Similarly, in the order issued by the War Production Board on March 26, 1943 (8 F.R. 3769), which revoked the Conservation Order M–111 series, it is provided that the revocation "shall not be construed to affect in any way any liability or penalty accrued or incurred under said order, amendments, or supplements."

This proceeding was instituted by the issuance and service of a charging letter by the War Production Board on the respondent, in which it was alleged that respondent, as a "packer" and "wholesale receiver" of tea, as those terms are defined in the orders, had accepted deliveries, packaged and delivered tea in violation thereof. Pursuant to respondent's request, this matter was heard by a Compliance Commissioner of the War Production Board, before whom the respondent and representatives of the War Production Board appeared, gave evidence and were otherwise heard.

On the basis of the evidence adduced by the Compliance Commissioner, it is hereby found and determined:

(1) That respondent is a packer of tea as that term is defined in the orders, and is subject to all the provisions of said orders relating to a packer;

(2) That respondent wilfully violated the orders (a) by packing tea for sale at retail during the period October, November and December 1942, in packages or containers containing more than one-fourth of one pound of tea; (b) by accepting deliveries of tea during October and November 1942, when respondent's inventory of tea was, and by virtue of such acceptance of delivery became, in excess of one-fourth of the total quantity of tea accepted by respondent during 1941; and (c) by delivering tea, during October and November 1942, in excess of

fifty percent of the average monthly net deliveries made by him during October, November and December 1941.

Because of the great scarcity of tea in the normal channels of distribution for the fulfilment of the requirements of the United States for defense, for private account, and for export, and because of the importance of having tea distributed in a manner to assure an adequate supply and efficient distribution thereof for war and essential civilian needs, the aforesaid wilful violations by the respondent have impeded the war effort and have, therefore, been contrary to public interest. It also appears that further violations by the respondent are likely unless appropriate action is taken. It is therefore ordered, that:

§ 1590.9 *Suspension order against Max Aiken, an individual doing business as James Van Dyk Tea & Coffee Co.* (a) The respondent, his agents, successors, or assigns shall not, in any manner, either directly or indirectly, either pack tea, or deliver tea, except as a beverage, and shall not accept tea to be delivered in any form other than as a beverage.

(b) No person shall, in any manner, directly or indirectly, transfer or deliver tea to the respondent, his agents, successors, or assigns, for the purpose of being packaged or delivered by respondent in any form other than as a beverage.

(c) Nothing contained in this order shall be deemed to relieve the respondent, his agents, successors, or assigns from any restriction, prohibition or provision contained in any order or regulation of the War Food Administrator, except insofar as the same may be inconsistent with the provisions hereof.

(d) Any terms used in this order which are defined in Conservation Order M-111, issued by the Director General for Operations, War Production Board, on March 27, 1942, as amended and supplemented, or Food Distribution Order 18, issued by the Secretary of Agriculture on February 6, 1943, as amended, shall have the meaning therein given to them, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(e) This order shall become effective 12:01 a. m., e. w. t., November 15, 1943, and, unless sooner terminated, shall expire upon termination of the unlimited National Emergency declared by the President on May 27, 1941.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; and Delegations of Authority, 8 F.R. 13696 and 14251)

Issued this 4th day of November 1943.

C. W. KITCHEN,
Deputy Director of Food Distribution.

[F. R. Doc. 43-17956; Filed, November 5, 1943; 11:35 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Administrator of Civil Aeronautics; Department of Commerce

[Amdt. 34]

PART 600—DESIGNATION OF CIVIL AIRWAYS

AMBER CIVIL AIRWAY NO. 2

OCTOBER 26, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 600.10101 *Amber civil airway No. 2 (Daggett, Calif., to Fairbanks, Alaska)* the following: "to the intersection of the center line of the on course signal of the southeast leg of the Lethbridge, Alberta, Canada, radio range and the U. S.-Canadian Border" and substituting in lieu thereof the following: "and the Cut Bank, Mont., radio range station to the intersection of the center line of the on course signal of the northwest leg of the Cut Bank, Mont., radio range and the U. S.-Canadian Border."

This amendment will become effective 0001 e. w. t., November 1, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-17919; Filed, November 5, 1943; 10:05 a. m.]

[Amdt. 51]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES

AMBER CIVIL AIRWAY NO. 2

OCTOBER 26, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By inserting in § 601.4012 *Amber civil airway No. 2 (Daggett, Calif., to Fairbanks, Alaska)* after the words: "Great Falls, Mont., radio range station;" the following: "the Cut Bank, Mont., radio range station."

This amendment will become effective 0001 e. w. t., November 1, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-17920; Filed, November 5, 1943; 10:05 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4500]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

J-BEE DISTRIBUTING COMPANY, ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of respondents' merchandise, (1) supplying, etc., agents, distributors, or members of the public with pull cards or other lottery devices which are to be used or may be used in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (2) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45i) [Cease and desist order, J-Bee Distributing Company, et al., Docket 4500, October 27, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1943.

In the Matter of Louis Ulrich, an Individual, Trading as J-Bee Distributing Company, and Julius Weinfelt, an Individual

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Louis Ulrich, individually and trading as J-Bee Distributing Company, or trading under any other name, and Julius Weinfelt, individually and as manager of said company, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondents' merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of agents, distributors, or members of the public, pull cards or other lottery devices which are to be used or may be used in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-17929; Filed, November 5, 1943; 11:00 a. m.]

[Docket No. 4816]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THOMAS E. COLLINS CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* In connection with offer, etc., of respondent's "Alimentone" medicinal preparation, or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said product, which advertisements represent, directly or by implication, that said preparation (1) expels or helps to expel mucus from the body; (2) affords relief for catarrhal conditions generally, or for nasal catarrah, bronchitis, any type of asthma, or mucus colitis; (3) tones or aids in toning the mucus membranes or fortifies the mucus membranes against infection; (4) possesses any therapeutic value in the treatment of inflammation of the mucus membranes; (5) is a cure or remedy for colds or possesses any therapeutic value in the treatment of colds; and (6) eliminates or aids in the elimination of toxic substances or deposits from the body or tissues; prohibited.

(Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Thomas E. Collins Co., Docket 4816, October 27, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1943.

In the Matter of Thomas E. Collins, an Individual, Trading as Thomas E. Collins Co.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Thomas E. Collins, individually and trading as Thomas E, Collins Co., or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's medicinal preparation designated "Alimentone," or any other preparation of substantially similar composition or processing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication,

(a) That said preparation expels or helps to expel mucus from the body;

(b) That said preparation affords relief for catarrhal conditions generally, or for nasal catarrh, bronchitis, any type of asthma, or mucous colitis;

(c) That said preparation tones or aids in toning the mucous membranes or fortifies the mucous membranes against infection;

(d) That said preparation possesses any therapeutic value in the treatment of inflammation of the mucous membranes;

(e) That said preparation is a cure or remedy for colds or possesses any therapeutic value in the treatment of colds;

(f) That said preparation eliminates or aids in the elimination of toxic substances or deposits from the body or tissues.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-17927; Filed, November 5, 1943; 11:00 a. m.]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WORLD'S MEDICINE COMPANY

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.7 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., of respondent's "World's Tonic" medicinal preparation, or any other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparation, which advertisements represent, directly or by implication, that said preparation (1) is a cure or remedy for or possesses any therapeutic value in the treatment of pains in the back, side, or limbs, premature aging, anemia, spots before the eyes, sallow skin, skin blemishes, night risings, loss of weight, gastritis, dizziness, mucous conditions, swollen joints, shortness of breath, kidney disorders, or sore or stiff muscles, or that any of such conditions is caused by constipation; (2) is a cure or remedy for biliousness, headaches, gas bloating, sour stomach, indigestion, heartburn, fatigue, bad breath, coated, fuzzy tongue, nervousness, nausea, or stomach cramps, or possesses any therapeutic value in the treatment of such conditions in excess of such temporary relief as may be afforded through the partial evacuation of the intestinal tract in those cases where the condition is due to constipation; (3) possesses any therapeutic value in the treatment of loss of appetite in excess of such relief as may be afforded through a temporary stimulus of the appetite, and through the partial evacuation of the intestinal tract in those cases where such condition is due to constipation; (4) prevent colds, alkalizes the system, restores the activity of the liver, tones or stimulates the bowel muscles, or aids digestion; (5) keeps the stomach, liver, kidneys, bladder, or bowels operating propertly, or that it regulates the bowels or cleanses, soothes, or strengthens the stomach; (6) enables the user to gain or retain health; (7) provides nourishment or strength from food; (8) provides pep or energy; or which advertisements represent, directly or by implication, (9) that constipation causes an accumulation of poisons in the system, or that said preparation will rid the system of poisons; and (10) that said preparation possesses any therapeutic properties other than those of a laxative and bitters; or which advertisements (11) use the word "tonic", or any other word of similar import, to designate or describe respondent's preparation, or otherwise represent that said preparation is a general tonic; or which advertisements (12) fail to reveal that said preparation should not be used in the presence of nausea, vomiting, abdominal pains, or other symptoms of appendicitis; prohibited, subject to the provision, however, as respects said last prohibition, that such advertisements need contain only the statement, "Caution: Use Only as Directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect; and to the further provision, as respects the preceding prohibition, that said prohibition shall not be construed as prohibiting respondent from designating and describing said preparation as a "bitter tonic". (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, World's Medicine Company, Docket 4847, October 27, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1943.

In the Matter of William J. Cooksey, an Individual, Also Known as Ross Dyar, Operating Under the Trade Name of World's Medicine Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, William J. Cooksey (also known as Ross Dyar), individually and trading as World's Medicine Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's medicinal preparation designated "World's Tonic," or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name sold, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That said preparation is a cure or remedy for or possesses any therapeutic value in the treatment of pains in the back, side, or limbs, premature aging, anemia, spots before the eyes, sallow skin, skin blemishes, night risings, loss of weight, gastritis, dizziness, mucous conditions, swollen joints, shortness of breath, kidney disorders or sore or stiff muscles or that any of such conditions is caused by constipation;

(b) That said preparation is a cure or remedy for biliousness, headaches, gas bloating, sour stomach, indigestion, heartburn, fatigue, bad breath, coated, fuzzy tongue, nervousness, nausea, or stomach cramps, or that said preparation possesses any therapeutic value in the treatment of such conditions in excess of such temporary relief as may be afforded through the partial evacuation of the intestinal tract in those cases where the condition is due to constipation;

(c) That said preparation possesses any therapeutic value in the treatment of loss of appetite in excess of such relief as may be afforded through a temporary stimulus of the appetite, and through the partial evacuation of the intestinal tract in those cases where such condition is due to constipation;

(d) That said preparation prevents colds, alkalizes the system, restores the activity of the liver, tones or stimulates the bowel muscles, or aids digestion;

(e) That said preparation keeps the stomach, liver, kidneys, bladder, or bowels operating properly, or that it regulates the bowels or cleanses, soothes, or strengthens the stomach;

(f) That said preparation enables the user to gain or retain health;

(g) That said preparation provides nourishment or strength from food;

(h) That said preparation provides pep or energy;

(i) That constipation causes an accumulation of poisons in the system, or that said preparation will rid the system of poisons;

(j) That said preparation possesses any therapeutic properties other than those of a laxative and bitters;

or which advertisement:

(k) Uses the word "tonic," or any other word of similar import, to designate or describe respondent's preparation, or otherwise represents that said preparation is a general tonic: *Provided, however*, That this order shall not be construed as prohibiting respondent from designating and describing said preparation as a "bitter tonic."

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that said preparation should not be used in the presence of nausea, vomiting, abdominal pains, or other symptoms of appendicitis; *Provided, however*, That such advertisement need contain only the statement, "caution: Use Only as Directed," if and when the directions for use, wherever they appear, on the label, in the labeling, or both on the label and in the labeling, contain a warning to the above effect.

Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any representation prohibited in paragraph 1 hereof, or which fails to comply with the affirmative requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 43-17928; Filed, November 5, 1943; 11:00 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[G. O. 60-4B [1]]

PART 704—PRIVATE WAR HOUSING

EXCEPTION OF CREDITS FOR WAR HOUSING FROM CONSUMER CREDIT REGULATIONS

Section 222.8 (e) of the Consumer Credit Regulations (Revised May 6, 1942), 7 F.R. 3351, issued by the Board of Governors of the Federal Reserve System, vests authority in the Administrator of the National Housing Agency, or his authorized agent, to exempt "any extension of credit to remodel or rehabilitate any structure" from the provisions of Regulation W by designating projects as "defense housing". The Administrator's authority to make such designation was delegated to qualified "registrants" in National Housing Administrator's Order No. 8, dated June 19, 1942, subject to various conditions set forth in such order. The purpose of the original General Order No. 60-4 (8 F.R. 1831) was to supersede National Housing Administrator's Order No. 8 with respect to all applications submitted to registrants on and after February 10, 1943. The original order was amended by General Order No. 60-4A, effective June 4, 1943, to permit the exemption of heating system repair projects during spring and summer, the purpose being to avoid overloading the heating repair industry in the fall months.

Sec.

AUTHORITY: §§ 704.1 to 704.5, inclusive, issued under E.O. 9070, 7 F.R. 1529; 12 CFR 222.8 (e).

§ 704.1 *Delegation of authority.* (a) Any application filed on or after November 15, 1943 with a registrant for the purpose of designating any project as "defense housing" shall be governed by the provisions set forth in this part.

(b) The National Housing Administrator does hereby delegate to any creditor or lender who is qualified as a "registrant" in accordance with the provisions of 12 CFR Part 222, authority to designate any project for the remodeling or rehabilitation of an existing structure as "defense housing" when, after obtaining a signed statement on Form NHA 60-5 (Rev.), the registrant finds that the proposed project satisfies the criteria set forth in either § 704.2 (a) or § 704.2 (b).

§ 704.2 *Projects which may be designated "defense housing".* (a) Registrants may designate as "defense housing" any housing projects which have

[1] Supersedes G. O. 60-4A.

been allotted materials under the Controlled Materials Plan (32 CFR Part 3175), or have been granted priority assistance or authority to begin construction by the War Production Board, for which allotment, assistance, or authority an application was made on Form WPB 2896, PD–105, or PD–200.

(b) Registrants may designate as "defense housing" any housing projects which will help maintain the local housing supply through the reconstruction or restoration of housing accommodations damaged or destroyed after December 31, 1941, by fire, flood, tornado, earthquake, act of God or the public enemy, but only where such housing accommodations are located in a "private war housing priority locality," or a locality in which priority assistance has been granted to publicly-financed war housing. (Information concerning such localities and their boundaries can be obtained from local offices of the Federal Housing Administration.) Registrants may not designate projects as "defense housing" under the authority granted in this subsection where the purpose is to repair damage resulting from age, abuse, or wear and tear.

§ 704.3 *Responsibilities of initial creditors.* (a) The initial creditor (registrant who extends credit directly to the owner) is responsible for determining that each proposed project falls fairly within the criteria set forth in §§ 704.2 (a) and 704.2 (b).

(b) The initial creditor shall retain a copy of each application (Form 60–5 (Rev.)) covering a project which he designates as "defense housing" in accordance with this order and shall transmit: One legible duplicate copy of each such application to the Regional Office of the National Housing Agency for the area in which the property covered by the application is located (jurisdiction and address of such offices can be obtained from the nearest office of the Federal Housing Administration); and, if the paper or debt is transferred to a secondary creditor, one such copy to the secondary creditor.

§ 704.4 *Responsibilities of succeeding creditors.* (a) The secondary creditor (any transferee who purchases or receives the paper or debt), and each succeeding creditor, is entitled to rely upon the statements appearing on the application form. No succeeding creditor shall purchase or receive the paper or debt when he knows that such statements are untrue, or when the statements show on their face that the application should not have been approved by a previous creditor.

(b) The secondary creditor and each succeeding creditor shall release the application form to transferees who purchase or receive the paper or debt from him.

§ 704.5 *Forms.* (a) All properly executed applications on Form NHA 60–5 received by registrants prior to November 15, 1943 may be processed in accordance with NHA General Order No. 60–4A. On and after November 15, 1943 no applications shall be accepted by registrants except on Form NHA 60–5 (Rev.).

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 43–17893; Filed, November 4, 1943; 4:08 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

EXPLOSIVES AND INGREDIENTS EXCEPTED

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (55 Stat. 863), as amended, the regulations under the Federal Explosives Act heretofore promulgated[1] are herby amended as follows:

Section 301.3 (b) (1) is amended to read as follows:

§ 301.3 *Application of act and regulations; exceptions.* * * *

(b) *Explosives and ingredients excepted*—(1) *Ingredients in small quantities.* Ingredients in small quantities and not used or intended to be used in the manufacture of explosives. The sale of ingredients by a wholesaler to a retailer totalling not more than 16 ounces in any one transaction is a sale of "small quantities," as the term is used in this section. In all other instances, including the possession of ingredients by a wholesaler or retailer, the term "small quantities" means quantities of ingredients totalling not more than four ounces.

R. R. SAYERS,
Director, Bureau of Mines.

Approved: November 2, 1943.

MICHAEL W. STRAUS,
First Assistant Secretary,
Department of the Interior.

[F. R. Doc. 43–17957; Filed, November 5, 1943; 11:44 a. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

SPECIFIED FIREWORKS

§ 303.7 *General purchaser's license for limited quantities of specified fireworks manufactured before January 1, 1943.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (55 Stat. 863), as amended, to any individual not forbidden by Presidential or War Department Proclamation, or regulations of the Attorney General, to possess explosives, authorizing him to purchase, possess, and use from November 15, 1943, to January 15, 1944, a combined total at any one time of not more than 10 pounds of the following described fireworks: colored lights, dipped sticks, paper caps in which the explosives content per cap is not more than 0.15 grains, smoke pots, snakes which do not contain any mercury salt, sparklers, torches, fountains and mines in which no explosive is used except as a propellant or expellant and no part of the contents of which will carry more than 15 feet in any direction, and wheels of which no part of the contents will carry more than 15 feet in any direction.

This general license applies only to fireworks as above described which were manufactured before January 1, 1943. It relieves persons covered by it from the duty of applying for and securing individual licenses. It does not relieve anyone who sells or distributes fireworks to such persons from the duty of keeping records of such transactions as prescribed by the act or the regulations issued under the act or from any other obligation with respect to explosives imposed by the act or the regulations.

This general license does not supersede any State or local law forbidding or regulating the purchase, possession or use of fireworks.

This general license will become effective at 12:01 a. m., November 15, 1943, and will expire at midnight, January 15, 1944, unless sooner terminated.

Dated: November 1, 1943.

R. R. SAYERS,
Director, Bureau of Mines.

The foregoing general license is approved, and all regulations inconsistent therewith are waived.

MICHAEL W. STRAUS,
First Assistant Secretary,
Department of the Interior.

[F. R. Doc. 43–17953; Filed, November 5, 1943; 11:44 a. m.]

Chapter VI—Selective Service System

[No. 221]

IDENTIFICATION CARD

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 6, entitled "Identification Card," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 6, 1943.

[F. R. Doc. 43–17886; Filed, November 4, 1943; 1:54 p. m.]

---

[1] 7 F.R. 305, 1103, 1976, 3876, 4758, 5901, 8175, 9606; 8 F.R. 1343, 3080, 4141.

[1] Filed as part of original document.

[No. 222]

CERTIFICATE OF APPRECIATION

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 32–B, entitled "Certificate of Appreciation," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 8, 1943.

[F. R. Doc. 43–17887; Filed, November 4, 1943; 1:54 p. m.]

[No. 223]

IDENTITY VERIFICATION

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 210, entitled "Identity Verification", effective immediately upon the filing hereof with the Division of the Federal Register. The supply of DSS Form 210 on hand will be used until exhausted.[1]

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 28, 1943.

[F. R. Doc. 43–17888; Filed, November 4, 1943; 1:54 p. m.]

[No. 224]

CRITICAL JOB CERTIFICATION, ETC.

ORDER DISCONTINUING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS Forms:

Discontinuance of DSS Form 325, entitled "Critical Job Certification", effective immediately upon the filing hereof with the Division of the Federal Register.

Discontinuance of DSS Form 326, entitled "Noncritical Job Certificate", effective immediately upon the filing hereof with the Division of the Federal Register.

Discontinuance of DSS Form 175, entitled "Application to Volunteer and Waiver of Dependency", effective immediately upon the filing hereof with the Division of the Federal Register.

Discontinuance of DSS Form 1T, entitled "Certificate of Appreciation (Director Dykstra)", effective immediately upon the filing hereof with the Division of the Federal Register.

Discontinuance of DSS Form 34, entitled "Certificate of Appreciation (Deputy Director Hershey)", effective immediately upon the filing hereof with the Division of the Federal Register.

Discontinuance of DSS Form 312–A, entitled "Transmittal Sheet for Sample of Forms 311", effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing discontinuances shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 4, 1943.

[F. R. Doc. 43–17926; Filed, November 5, 1943; 10:45 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1257—CUTLERY

[Revocation of General Limitation Order L–140]

Section 1257.1 *General Limitation Order L–140* is hereby revoked, its subject matter being now covered by § 3291.175, General Limitation Order L–140–a, and § 3291.176, General Limitation Order L–140–b. This revocation shall not affect any penalties incurred or liabilities accrued under Order L–140.

Issued this 5th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–17946; Filed, November 5, 1943; 11:30 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L–140–b]

FLATWARE AND HOLLOW WARE

§ 3291.176 *General Limitation Order L–140–b*—(a) *Definitions.* For the purposes of this order:

(1) "Flatware" means knives, forks, spoons and similar implements used for eating or serving food at the table, which have metal blades, tines or bowls as well as handles made of metal. It does not include carving sets or articles of cutlery covered by Order L–140–a, or any order in the L–30 series.

(2) "Hollow ware" means all articles commonly known as hollow ware in the trade, including but not limited to, metal table ware used for serving foods and beverages and ornamental ware, whether plated or unplated. For example, it includes coffee and teapots, and sets; sugar and cream containers and sets; berry sets, vegetable dishes and servers, gravy boats or bowls and trays, platters, trays of all types and pitchers; vases, bowls of all types, and frames for china, glass or oven-glass dishes of all types; trivets, cocktail shakers, glasses, sets and accessories; plain and vacuum lined ice containers; mustard pots and pepper and salt shakers and sets; candlesticks and candelabra. It does not include flatware or any articles covered by any order in the L–30 series, church goods covered by Order L–136, or electrical appliances covered by Order L–65.

(3) "Manufacturer" means any person engaged in the business of fabricating, assembling or plating any flatware or hollow ware or any parts for such ware. A person who performs no operation except plating on another person's flatware or hollow ware is not a manufacturer.

(4) "Put into process" means to put metal into production for the first time, whether in the form of raw material or in purchased parts. It does not include buffing, wire wheel brushing, burnishing, lacquering or similar finishing of flatware or hollow ware, after plating.

(5) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration. A purchase order placed with a manufacturer by a distributor or dealer to replace in inventory flatware or hollow ware sold on a preferred order, is also a preferred order. Orders from Post Exchanges, Ships' Service Stores, Officers' and Enlisted Men's Service Clubs on military or naval reservations are not preferred orders.

(6) "Distributor" means any person or firm other than a dealer engaged in the business of selling flatware or hollow ware not manufactured by that firm.

(7) "Dealer" means any person who sells flatware or hollow ware at retail to members of the public for home use.

(8) "Type A flatware" means silver plated or chromium plated flatware pro-

[1] Filed as part of original document.

duced on or after November 5, 1943, conforming to the specifications for Type A flatware on Table A of this order.

(9) "Type B flatware" means silver plated or chromium plated flatware produced on or after November 5, 1943, conforming to the specifications for Type B flatware on Table A of this order.

(10) "Alloy steel flatware" means graded or ungraded flatware produced from alloy steel conforming to the gauges for Type A or Type B flatware on Table A of this order.

(b) *Production and delivery of sterling silver flatware or hollow ware not restricted.* Nothing in this order restricts the production or delivery of sterling silver flatware or sterling silver hollow ware.

(c) *What flatware and hollow ware may be produced.* (1) No manufacturer shall produce any flatware except

(i) For preferred orders;

(ii) Flatware listed on Table A of this order, according to the specifications in that table;

(iii) Gold, silver, and sterling silver flatware;

(iv) Flatware produced from iron and steel in inventory or on order from the mill on November 5, 1943, if the plating specifications in Table A are followed.

(2) No manufacturer shall produce any hollow ware containing metal except

(i) For preferred orders;

(ii) Gold, silver and sterling silver;

(iii) Unalloyed iron or steel put into process before November 5, 1943, if no metal other than gold, silver and chromium is used for plating.

(d) *Production and delivery of flatware for preferred orders.* (1) On or after January 1, 1944, no manufacturer shall produce or deliver any flatware to fill preferred orders except in accordance with quotas specifically approved by the War Production Board on Form WPB–2719 (formerly PD–880).

(2) Each manufacturer must file this form with the War Production Board on or before the 15th day of November, February, May and August, according to instructions accompanying the form.

(e) *Production and delivery of flatware for other than preferred orders.* (1) During the period November 5, 1943, through December 31, 1943, no manufacturer shall put into process in the production of flatware for other than preferred orders in the aggregate more than 35% of the average quarterly amount of iron, steel and other metals in the aggregate used by him in the production of flatware during the period July 1, 1940, through June 30, 1941.

(2) On or after January 1, 1944, no manufacturer shall put into process in the production of flatware for other than preferred orders any iron, steel or alloy steel except in accordance with quotas specifically approved by the War Production Board on Form WPB–2719 (formerly PD–880). This does not apply to sterling silver flatware.

(3) Each manufacturer must file this form with the War Production Board on or before the 15th day of November, February, May, and August, according to instructions accompanying the form.

(f) *General statement of policy.* (1) It will be the general policy of the War Production Board to authorize the total production of flatware other than sterling silver flatware, for both preferred and other orders, according to approved requirements. Production which would exceed such approved requirements will not be authorized. Plants located in critical labor areas as classified by the War Manpower Commission will not be permitted to produce this flatware at a greater rate than they did in 1943. Production to meet the requirements determination will be allocated in less critical labor areas to the fullest extent of the available capacity.

The War Production Board will plan to divide total production of this flatware for other than preferred orders into 65% Type A flatware and alloy steel flatware and 35% Type B flatware, and will give notice to each manufacturer of the total and individual authorizations.

(2) The War Production Board will not assign preference ratings on flatware produced for other than preferred orders except on Form WPB–541 (formerly PD–1A) on orders for delivery to governmental agencies, hospitals, and educational and charitable institutions, providing that such flatware is distributed with due regard to established trade connections, needs of distributors or dealers whose usual supply has been cut off or diverted, and increased needs in certain areas. If flatware is not being distributed in this manner, ratings will be issued on WPB–547 (formerly PD–1X) or Form WPB–541 (formerly PD–1A) to take care of special cases.

(g) *Distribution of Type A flatware.* No manufacturer or distributor shall sell any Type A flatware, except

(1) Manufacturers may sell Type A flatware to fill preferred orders.

(2) Manufacturers and distributors may sell Type A flatware to hospitals, or institutions for the aged, sick or poor, prisons, educational institutions, orphanages, hotels, restaurants, canteens, clubs, cafeterias, lunch rooms, lunch counters, and similar eating places including those operated by common carriers.

(3) Manufacturers and distributors may sell Type A flatware to distributors or for export.

(4) Manufacturers and distributors may sell Type A flatware to Post Exchanges, Ships' Service Stores, Officers' and Enlisted Men's Service Clubs on military or naval reservations for use on the premises but not for resale by them.

(5) Distributors may sell Type A flatware to fill preferred orders only if they receive permission from the War Production Board in writing.

(h) *Distribution of Type B flatware.* No manufacturer or distributor shall sell any Type B flatware, except

(1) Manufacturers and distributors may sell Type B flatware to distributors, dealers for export, or direct to members of the public buying for home use.

(2) Manufacturers or distributors may sell Type B flatware to fill preferred orders only if they receive permission from the War Production Board in writing.

(i) *Distribution of alloy steel flatware.* No manufacturer or distributor shall sell any alloy steel flatware, except

(1) Manufacturers may sell alloy steel flatware to fill preferred orders.

(2) Manufacturers and distributors may sell alloy steel flatware to distributors or to the establishments and organizations enumerated in paragraph (g) (2).

(3) A manufacturer or distributor may not sell any alloy steel flatware for export.

(4) Distributors may sell alloy steel flatware to fill preferred orders only if they receive permission from the War Production Board in writing.

(j) *Special provisions concerning distribution of all flatware.* (1) No manufacturer or distributor shall sell any flatware produced after June 30, 1942 (except sterling silver flatware) for distribution free or for a nominal consideration in connection with advertising sales promotion or other similar plan.

(2) No manufacturer who has made flatware or hollow ware to fill a preferred order and cannot use it for that purpose because of overruns, rejects, cancellation of the order or any other reason shall sell it except to fill a preferred order unless he receives permission from the War Production Board on Form WPB–1319 (Formerly PD–556).

(3) No manufacturer intending to produce either Type A, Type B or alloy steel flatware for other than preferred orders, who because of some unexpected mechanical difficulty, produces flatware which does not conform to the specifications in Table A for Type A, Type B or alloy steel flatware, shall transfer or distribute such flatware, unless he receives permission of the War Production Board to make delivery after applying on Form WPB–1319 (formerly PD–556).

(k) *Repairs not limited by this order.* This order and Table A do not in any way limit the repair, plating or refinishing of used or shopworn flatware or hollow ware.

(l) *Reports.* On or before December 1, 1943, each manufacturer of flatware shall file by letter in duplicate with the War Production Board, Washington 25, D. C., Ref: L–140–b a report showing the total amount of all flatware, other than sterling silver flatware produced by him during the period January 1, 1943 through November 15, 1943, for both preferred and other orders, in dozens or gross. This report shall list knives sep-

arately from all other items of flatware. This reporting requirement has been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(m) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of flatware and hollow ware to a greater extent than does this order, the other order shall govern unless it states otherwise.

(n) *Appeals.* Any appeal from this order should be made on Form WPB–1477 (formerly PD–500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(o) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L–140–b.

Issued this 5th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

	Type A or alloy steel		Type B or alloy steel (ungraded only)
	Graded	Ungraded	
Fork, dessert size (flat handle only with uniformly spaced tines).	Finished weight not lighter than 11¾ pounds per gross. Tines shall taper uniformly to a point.	Not lighter than .085 inch.	Not lighter than .065 inch.
Dessert spoon	Finished weight not lighter than 11½ pounds per gross. Bowls must taper uniformly from center to tip.	Not lighter than .065 inch.	Not lighter than .055 inch.
Teaspoon	Finished weight not lighter than 7½ pounds per gross. Bowls must taper uniformly from center to tip.	Not lighter than .065 inch.	Not lighter than .050 inch.

Definitions. (1) "Graded", as applied to forks or spoons, means articles which have been shaped through mechanical processes so that the thickest portion of the handle is in the shank with a taper in thickness toward the tip of the handle and toward the tip of the bowl of the spoon or tines of the fork.

(2) "Ungraded", as applied to forks or spoons, means articles which have not been graded.

(3) "Significant surfaces" for the purpose of Table A means all surfaces of the pieces of flatware except those between the tines of the forks, the tips of the tines or the cutting edges of the knives.

Specifications.

Knife. Straight blade or grill. With or without bolsters. Handles of two-piece knives must be firmly secured to blade without solder. Blades must be of .60 to .80 carbon steel or of alloy steel within the limits of the restrictions on alloy steel in this table.

A manufacturer may produce plated flatware in either Type A or Type B or both and may produce alloy steel flatware. Type A or alloy steel forks and spoons may be either graded or ungraded; Type B shall be ungraded only.

Patterns. No manufacturer shall produce more than a total of two different patterns in Type A flatware and the same two patterns in alloy steel flatware and two patterns in Type B flatware. No new patterns shall be made up in any type of flatware. Whenever two patterns are used, one must be a plain or Windsor pattern. Any other pattern of ungraded flatware used must be of a simple design so constructed as to reinforce the shanks of spoons and forks.

Restrictions on alloy steel. Alloy steel used in the manufacture of alloy steel flatware shall be alloy steel as defined in Order M–21–a, which was in his inventory on November 5, 1943, or obtained by him on a special sale as defined in Priorities Regulation 13.

Flatware blanks. All steel for forks and spoons shall be cold rolled strip or sheet steel. All flatware blanks shall be made in one piece except knives, which may be made of two pieces at the manufacturer's option. On all significant surfaces all flatware before plating shall have a smooth finish, at least equal to a greased No. 220 emery finish. Angles between adjoining significant surfaces shall have a rounded contour without sharp edges.

Metal coatings. Metal coatings may be either silver or chromium within the following limits:

Silver plating. All silver-plated flatware shall be plated with an undercoating of nickel of an average thickness of .0002 inch. In addition, a manufacturer may use a copper-silver strike in accordance with the provisions of Conservation Order M–9–c. The average thickness of the whole metal coating, including the silver and nickel undercoating shall be not less than .001 inch on Type A flatware and not less than .0005 inch on Type B flatware. All significant surfaces on all pieces must have a minimum thickness of coating equal to at least 60% of the above standards. The final silver coating shall have a uniform finish in accordance with regular commercial standards, and shall be brushed or butler finish only.

Chromium plating. Chromium-plated Type A flatware shall be plated with an undercoating of nickel of an average thickness of .0002 inch. All significant surfaces and all pieces shall have a minimum thickness of nickel undercoating equal to at least 50% of the above standards. No chromium-plated Type B flatware shall have any metal strike or undercoating. The average thickness of the chromium plating on any flatware, excluding undercoating when used, shall be not less than .00002 inch or more than .00004 inch.

Markings. All flatware produced under this table must bear markings indicating the type of flatware and plating used, which shall be substantially as follows:

Type of flatware

Type A flatware ..... "o"
Type B flatware ..... "oo"
Alloy steel flatware ..... "Stainless"

Type of plating used

Silver-plated flatware ..... "Steel-S. P."
Chromium-plated flatware ..... "Steel-C. P."

It must also bear markings indicating the manufacturer's identity. These markings may be either the manufacturer's name or its abbreviation, a registered trade mark or any other symbol which he notifies the War Production Board he intends to use.

[F. R. Doc. 43–17947; Filed, November 5, 1943; 11:30 a. m.]

PART 3296 [1]—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L–249, as Amended Nov. 5, 1943]

DENTAL EQUIPMENT

Section 3172.1 *General Limitation Order L–249* is hereby amended to read as follows:

§ 3296.81 [1] *General Limitation Order L–249.* (a) *Purpose of this amended order.* This order is a complete revision of Order L–249 as it stood prior to November 5, 1943. The provisions of this order take the place of the provisions of the former edition of Order L–249. In other words, the only provisions that have to be complied with hereafter are those contained in this order. The principal purpose of this revised order is to eliminate the paper work required heretofore and to establish permitted quotas of shipments of dental units and dental chairs to civilians, based on a normal pre-war base period. Shipments to persons and agencies other than civilians (as defined in paragraph (b) (3) below) will not be counted against the quota and therefore will be unrestricted. The provisions of the former edition of the order which required the filing of Form PD–774 by the manufacturers have been taken out of the order. Furthermore, the restrictions on the manufacture of dental cuspidors, dental engines, bracket tables, dental lights, dental lathes and operating stools have also been removed.

(b) *Definitions.* The meaning of various terms used in this order is set forth below:

(1) "Dental unit" means equipment which contains facilities for the use and control of water, compressed air, vacuum, heat, light, mechanical or electric power, and/or water waste designed for use in

[1] Formerly Part 3172, § 3172.1.

connection with the performance of dental procedures.

(2) "Dental chair" means a chair designed for the seating of patients during the performance of dental procedures.

(3) "Civilians" means all persons other than (i) the Army or Navy of the United States, (ii) the United States Maritime Commission, (iii) any agency of the United States Government purchasing for Lend-Lease purposes, (iv) the Canadian Army and Air Force, (v) the Canadian Navy, and (vi) persons holding export licenses issued by the Office of Economic Warfare. In other words, the term "civilians" includes so-called domestic civilians, all agencies of the United States Government other than the agencies named above, and Canadian civilians.

(4) "Base period shipments" means a manufacturer's average annual shipments (in numbers) of dental units and dental chairs during the years 1938, 1939 and 1940 to all persons located in the United States, its territories or possessions or located in the Dominion of Canada, but excluding shipments to the Army and Navy of the United States. (In other words, shipments to all persons located outside of the United States, its territories and possessions (except Canadians) and shipments to the Army and Navy of the United States should not be counted in determining base period shipments.) Thus, a manufacturer should calculate his base period shipments of dental units by taking the total number of units shipped to all such persons during each of the years 1938, 1939 and 1940, adding these figures together and then dividing the total by 3.

(5) "Manufacturer" means any person engaged in the business of manufacturing dental units or dental chairs.

(6) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(c) *Restrictions on shipments of dental units and dental chairs.* (1) During the 12 months' period beginning October 1, 1943, and during every 12 months' period beginning October 1st thereafter, no manufacturer shall ship to civilians more dental units or dental chairs than 88 per cent of his base period shipments of dental units or dental chairs, respectively. Shipments to civilians during any calendar quarter beginning October 1, 1943, must not exceed 30 per cent of the quota permitted for the entire 12 months' period. (Shipments to civilians include shipments to distributors and dealers for resale to civilians.) As an illustration of the foregoing restrictions, assume that a manufacturer's base period shipments of dental chairs amounted to 1,000 chairs. His quota for the entire 12 months' period would then be 880 chairs (88 per cent of his base period shipments); and he would not be permitted to ship more than 264 chairs (30 per cent of 880) during any calendar quarter.

(2) There is no restriction on shipments of dental units and dental chairs to the Army or Navy of the United States, the United States Maritime Commission, any agency of the United States Government purchasing for Lend-Lease purposes, the Canadian Army and Air Force, the Canadian Navy, or to persons holding export licenses issued by the Office of Economic Warfare.

(d) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any manufacturer with respect to production or shipments of dental units or dental chairs.

(e) *Reports.* On or before November 15, 1943, and on or before the 10th day of every month thereafter, each manufacturer shall file with the War Production Board, Washington 25, D. C., three copies of a letter containing a report of shipments of dental units and dental chairs (in numbers) made during the preceding calendar month. Shipments should be reported separately for each of the following: (1) Army of the United States; (2) Navy of the United States; (3) United States Maritime Commission; (4) Lend-Lease; (5) Canadian Army, Navy and Air Force; (6) Office of Economic Warfare; (7) Canadian (civilian); and (8) Office of Civilian Requirements (all persons in the United States, its territories and possessions except the Army, Navy and Maritime Commission). Separate reports should be made for shipments of dental units and dental chairs. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(j) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-249.

Issued this 5th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-17948; Filed, November 5, 1943; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[Rev. MPR 122,[1] Amdt. 13]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respect:

In § 1340.261 (b), the date in the proviso is amended to read, December 31, 1943.

This amendment shall become effective November 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17904; Filed, November 4, 1943; 4:46 p. m.]

PART 1340—FUEL

[MPR 189,[2] Incl. Amdt. 18]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

The proviso in § 1340.302 is amended by Amendment 18, effective November 10, 1943, so that Maximum Price Regulation No. 189 shall read as follows:

Maximum prices for bituminous coal used for bunkering vessels at points on the Great Lakes and their connecting or tributary waters have heretofore been established by Maximum Price Regulation No. 120,[3] where such coal was delivered from a mine or preparation plant, or by Revised Maximum Price Regulation No. 122,[4] where delivery was made from other facilities.

In the judgment of the Price Administrator the supplying of bituminous coal for use as bunker fuel, whether delivery

---

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 440, 1200, 3524, 4510, 5652, 6543, 7198, 8179, 8754, 10338, 11143, 11690, 12659.

[2] 8 F.R. 2973.

[3] 8 F.R. 14560.

[4] 8 F.R. 440, 1200, 3524, 4510, 5652, 6543, 7198, 8179, 8754, 10338, 11143, 11690, 12659.

is made from a mine or preparation plant or other facility, presents, under existing conditions, a specialized problem from the standpoint of coal marketing and requires for its proper regulation a separate Maximum Price Regulation.

At the request of the Price Administrator the Bituminous Coal Division, United States Department of Interior, has cooperated with the Price Administrator in the formulation of the maximum prices established by this regulation in accordance with the arrangement effectuated by the letters, dated March 9 and March 13, 1942, exchanged between the Price Administrator and the Secretary of the Interior. So far as practicable, representative members of the industry which will be affected by this regulation have been consulted and their advice obtained.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations[5] involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[6] issued by the Office of Price Administration, Maximum Price Regulation No. 189 is hereby issued.

Sec.

AUTHORITY: §§ 1340.301 to 1340.314a issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1340.301 *Maximum prices for bituminous coal sold for direct use as bunker fuel.* On and after August 1, 1942, regardless of any contract, agreement, lease, or other obligation, no supplier of bunker fuel shall sell or dispose of bituminous coal in any quantity, for direct use as bunker fuel at points on the Great Lakes or their connecting or tributary waters or at tidewater at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1340.313; and no person shall, in the course of trade or business, buy or receive bituminous coal so sold or disposed of, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.313; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That a supplier of bunker fuel is hereby permitted to receive not more than the maximum prices set forth in Appendix A, incorporated herein as § 1340.313, as to bituminous coal delivered for direct use as bunker fuel on and after May 18, 1942; and any person to whom bunker fuel was so delivered on and after May 18, 1942 may pay such prices.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1340.302 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1340.313) may be charged, demanded, paid or offered: *Provided,* That where the supplier of bunker fuel is subject to the jurisdiction of the Bituminous Coal Division and where the effective minimum price now or hereafter established by the Bituminous Coal Division for any particular shipment of bunker fuel by such supplier is higher than the maximum price provided in this Maximum Price Regulation No. 189 for such a shipment, the particular shipment may be made at not more than the applicable minimum price in effect midnight August 23, 1943: *Provided,* That no such shipments shall be made after December 31, 1943 at more than the maximum price established by this regulation.

[§ 1340.302 amended by Am. 16, 8 F.R. 11690, effective 8-21-43 and Am. 18, effective 11-10-43]

§ 1340.303 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[§ 1340.303 as amended by Am. 14, 8 F.R. 10936, effective 8-10-43]

§ 1340.304 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 189 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, bituminous coal for direct use as bunker fuel for vessels on the Great Lakes or their connecting or tributary waters or at tidewater, as defined herein, alone or in conjunction with bituminous coal used for other purposes or with any other commodity, or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

§ 1340.305 *Records and reports.* (a) Every supplier of bunker fuel shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such sale and purchase of bunker fuel made by him on and after May 18, 1942, showing the date thereof; the price received by him for the bituminous coal sold as bunker fuel; and the price, if any, paid by him for such coal; the name and address of the purchaser; the name and address of the pier or other facility from which delivery was made; the name, flag and gross tonnage of the vessel bunkered; the method of transportation or handling employed in transferring the fuel from land transportation or storage facilities to vessel bunkers; the quantity delivered; and where known, the names and mine index numbers (Bituminous Coal Division designations) of the mines at which the coal sold for bunker fuel originated, and the kind, size, quality, brand or trade name.

(b) Not later than August 25, 1942, except where additional time may be granted by the Office of Price Administration in individual cases, every supplier of bunker fuel at points at tidewater shall file with the Bituminous Coal Division of the United States Department of the Interior, at 734 15th Street NW., Washington, D. C., a statement setting forth:

(1) All prices charged by such person between January 1 and January 15, 1942, inclusive, for bituminous coal sold for direct use as bunker fuel at each point at which the coal was sold and for each size, kind and quality of coal for each class of purchaser;

(2) All price circulars, lists or schedules issued by such person on or before January 15, 1942, with respect to bunker

[5] Statements of considerations are also issued simultaneously with amendments.

[6] Revised: 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

fuel, and in effect during any portion of the period January 1–15, 1942, inclusive;

(3) The rate of interest, if any, charged on delinquent accounts or on any note, trade acceptance or other evidence of indebtedness accepted in payment of an account during the period January 1–15, 1942, inclusive;

(4) The charges, if any, made for any special services during the period January 1–15, 1942, inclusive, together with a description of the special service rendered; and

(5) The cash and quantity discounts and other allowances (except freight rate absorptions) made or available to purchasers of bunker fuel during the period January 1–15, 1942, inclusive.

(c) Not later than August 25, 1942, except where additional time may be granted by the Office of Price Administration in individual cases, every supplier of bunker fuel at points on the Great Lakes and their connecting or tributary waters shall file with the Bituminous Coal Division of the United States Department of the Interior, at 734 15th Street NW., Washington, D. C., a statement setting forth:

(1) All prices charged by such person between April 15 and April 30, 1942, inclusive, for bituminous coal sold for direct use as bunker fuel at each point at which the coal was sold and for each size, kind and quality of coal for each class of purchaser;

(2) All price circulars, lists or schedules issued by such person on or before April 30, 1942, with respect to bunker fuel, and in effect during any portion of the period April 15–30, 1942, inclusive;

(3) The rate of interest, if any, charged on delinquent accounts or on any note, trade acceptance or other evidence of indebtedness accepted in payment of an account during the period April 15–30, 1942, inclusive;

(4) The charges, if any, made for any special services during the period April 15–30, 1942, inclusive, together with a description of the special service rendered; and

(5) The cash and quantity discounts and other allowances (except freight rate absorptions) made or available to purchasers of bunker fuel during the period April 15–30, 1942, inclusive.

(d) Statements filed with the Bituminous Coal Division of the Department of the Interior prior to August 24, 1943, will be considered as having been filed with the Office of Price Administration.

[Paragraph (d) added and former (d) redesignated (e) by Am. 16, 8 F.R. 11690, effective 8–21–43]

(e) Persons who are suppliers of bunker fuel shall submit such other reports and keep such other records as the Office of Price Administration may from time to time require.

§ 1340.306 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 189 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 189 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[Paragraph (b) as amended by Am. 16, 8 F.R. 11690, effective 8–21–43]

§ 1340.306a *Licensing.* The provisions of Licensing Order No. 1,[7] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1340.306a added by Supplementary Order No. 72, 8 F.R. 13244, effective 10–1–43]

§ 1340.307 *Petitions for amendment and applications for adjustment.* (a) The Office of Price Administration may adjust any maximum price established under this regulation in the following cases:

(1) In the case of any supplier of bunker fuel who shows:

(i) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive suppliers of bunker fuel; and

(ii) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive suppliers of bunker fuel, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942 will be granted under this subparagraph (1).

(2) In the case of any supplier of bunker fuel who is reselling the same and who shows that his maximum price is too low, in relation to the purchase cost of such fuel resold by him, to permit the continuance of the sale of bunker fuel, and such discontinuance will impair the ability of bunker fuel consumers to obtain supplies thereof which aid in the war program. An adjustment granted pursuant to this subparagraph will generally increase the applicable maximum price by the amount of increase in said purchase cost.

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

[7] 8 F.R. 13240.

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 189 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1340.307 amended by Am. 2, 7 F.R. 8939, effective 11–4–42 and Am. 3, 7 F.R. 10225, effective 12–5–42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTES: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1340.308 *Definitions.* (a) When used in this Maximum Price Regulation No. 189, the term:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Bituminous coal" means bituminous coal as used in the Bituminous Coal Act of 1937, as amended, and in effect midnight August 23, 1943, and includes all bituminous, semibituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignite coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more.

[Subparagraph (2) as amended by Am. 16, 8 F.R. 11690, effective 8–21–43]

(3) "Bunker fuel" means bituminous coal used aboard a vessel for consumption thereon.

(4) "Supplier of bunker fuel" as used herein means any producer, distributor, retailer, bunker agent, or other person (and an agent of any of them) who sells or disposes of bunker fuel and delivers or procures the delivery of the same to vessels at points on the Great Lakes and their connecting or tributary waters or at tidewater for immediate use as bunker fuel, and who incurs the duties and risks attributable to the handling of bunker fuel. It does not include persons who sell coal to another person for general use or for delivery by such other person as bunker fuel: *Provided, however,* That where a supplier who does not have bunker fuel readily available (in storage or transportation facilities) to fuel a ves-

sel at a particular port purchases the same from another supplier who has such fuel available at that port, the sale by each supplier shall be subject to maximum prices applicable under this regulation to a direct sale by the particular supplier to the vessel in question. Delivery may be from a mine or a preparation plant operated as an adjunct of a mine or mines, or from a yard, dock, pier, elevator, bin or other terminal facility, or from a transportation vehicle or vessel.

[Subparagraph (4) as amended by Am. 12, 8 F.R. 8504, effective 6-18-43]

(5) "Points on the Great Lakes and their connecting or tributary waters" means any port, point, or place on Lakes Superior, Michigan, Huron, Erie, and Ontario, the waters connecting those lakes, the St. Lawrence River, and those tributaries of the enumerated lakes which are not included in the inland waterways system.

(6) "Points at tidewater" means any tidewater port, point, or place on the Atlantic and Pacific coasts of continental United States, and the coast of continental United States on the Gulf of Mexico.

(7) "Bituminous Coal Division" means the Bituminous Coal Division United States Department of the Interior, as established pursuant to the Bituminous Coal Act of 1937, as amended, and the President's Second Re-organization Plan of 1939, and as in effect midnight August 23, 1943.

[Subparagraph (7) as amended by Am. 16, 8 F.R. 11690, effective 8-21-43]

(8) Reference to a bituminous coal producing district (e. g. "District No. 1") is a reference to the same district as defined in the Bituminous Coal Act of 1937, as amended, as they have been modified and were defined by the Bituminous Coal Division of the Department of the Interior as of midnight August 23, 1943.

[Subparagraph (8) added by Am. 6, 8 F.R. 2236, effective 2-18-43 and amended by Am. 16, 8 F.R. 11690, effective 8-21-43]

(b) Unless the context otherwise requires, the definition set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1340.309 *Applicability of other regulations.* (a) With respect to sales or other disposals of bituminous coal for direct use as bunker fuel, the provisions of this Maximum Price Regulation No. 189 supersede the provisions of Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant, and Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers.

(b) [Revoked.]

[Paragraph (b) revoked by Am. 16, 8 F.R. 11690, effective 8-21-43]

§ 1340.310 *Maximum price instructions.* (a) The following maximum price instructions are applicable to the maximum prices set forth in § 1340.313 (Appendix A hereof).

(1) Where a supplier of bunker fuel maintains more than one separate facility for the sale of bunker fuel, whether at the same or different locations, separate maximum prices, in accordance with the provisions of § 1340.313 (Appendix A hereof) shall be established for each such facility.

(2) Where such charges are not included in the maximum prices provided in § 1340.313 (Appendix A hereof) there may be added to such maximum prices the charges for such service items as (specifically but not exclusively) leveling, trimming and lightering, or for the furnishing or procuring of these or other services. In the case of sales of bunker fuel at points at tidewater, such charges shall not exceed the charges made for the same service during the period January 1–15, 1942, inclusive, by the same supplier of bunker fuel; and in the case of sales of bunker fuel at points on the Great Lakes and their connecting or tributary waters, shall not exceed the charges made for the same service by the same supplier of bunker fuel in the period April 15–30, 1942, inclusive.

(3) The rate of interest on overdue accounts or a note, draft or trade acceptance, or other form of indebtedness accepted in payment of an account shall not exceed the rate charged on similar transactions by the same supplier of bunker fuel during the period January 1–15, 1942, inclusive, in the case of sales of bunker fuel at points at tidewater and the period April 15–30, 1942, inclusive, in the case of sales of bunker fuel at points on the Great Lakes and their connecting or tributary waters.

[Subparagraph (3) as amended by Am. 16, 8 F.R. 11690, effective 8-21-43]

(4) There shall be deducted from the maximum price established in § 1340.313 (Appendix A hereof) the cash and quantity discounts and other allowances (except freight rate absorptions) made or available to the purchasers by the same supplier of bunker fuel during the period January 1–15, 1942, inclusive, in the case of sales of bunker fuel at points at tidewater and the period April 15–30, 1942, inclusive, in the case of sales of bunker fuel at points on the Great Lakes and their connecting or tributary waters.

§ 1340.311 *Federal and State taxes.* (a) Any tax upon, or incident to, the sale, delivery, processing, or use of bituminous coal as bunker fuel, or the supplying of a service in connection therewith, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the supplier's maximum price for such commodity or service and in preparing the records of such supplier with respect thereto:

(1) As to a tax in effect during the period January 1–15, 1942 with respect to sales of bituminous coal as bunker fuel at points at tidewater or during the period April 15–30, 1942, with respect to sales of bituminous coal as bunker fuel at points on the Great Lakes or their connecting or tributary waters: (i) If the supplier paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the supplier, but the supplier did not customarily state and collect separately from the purchase price during the period January 1–15, 1942, or the period April 15–30, 1942, as the case may be, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the supplier may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 189.

(ii) In all other cases, if, at the time the supplier determines his maximum price, the statute or ordinance imposing such tax does not prohibit the supplier from stating and collecting the tax separately, the supplier may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the supplier by the vendor from whom he purchased, and in such case the supplier shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 189.

(2) As to a tax or increase in a tax which becomes effective after January 15, 1942 with respect to sales of bituminous coal as bunker fuel at points at tidewater or after April 30, 1942 with respect to sales of bituminous coal as bunker fuel at points on the Great Lakes and their connecting or tributary waters: If the statute or ordinance imposing such tax or increase does not prohibit the supplier from stating and collecting the tax or increase separately from the purchase price, and the supplier does separately state it, the supplier may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor

and separately stated and collected from the supplier by the vendor from whom he purchased.

(b) An amount per net ton not in excess of the tax imposed by section 620 of the Revenue Act of 1942 when such tax has been incurred in the transportation of bituminous coal for bunkering vessels may be added to the maximum prices established under § 1340.313, Appendix A, of this Maximum Price Regulation No. 189: *Provided:* That, the tax so incurred shall be stated separately from the price paid by the purchaser.

[§ 1340.311 as amended by Am. 5, 7 F.R. 10529, effective 12–1–42]

§ 1340.312 *Posting of maximum prices, sales slips, and receipts.* (a) On and after August 15, 1942, every person who is a supplier of bunker fuel subject to this Maximum Price Regulation No. 189 shall post the maximum price per ton of all bunker fuel offered for sale by him at the places in the business establishment where such coal is offered for sale. The maximum price shall be stated as follows: "Ceiling price $____"; or "Our ceiling $____".

(b) On and after August 15, 1942, any person subject to this Maximum Price Regulation No. 189 who has customarily given a purchaser a sales slip or receipt or itemized statement or similar evidence of purchase shall continue to do so. Upon request from a purchaser any person subject to this Maximum Price Regulation No. 189 shall give the purchaser a receipt showing the name and address of the supplier, the price charged therefor, and, where known, the kind, size, and quality of the coal sold.

§ 1340.313 *Appendix A: Maximum prices for bituminous coal for use as bunker fuel.* This Maximum Price Regulation No. 189 establishes maximum prices for all bituminous coal sold or otherwise disposed of, in any quantity, by a person who is a supplier of bunker fuel, for delivery from a mine or a preparation plant operated as an adjunct of a mine or mines, or for delivery from a yard, dock, pier, elevator, bin, or other terminal facilities, or from a transportation vehicle or vessel, to a vessel at points on the Great Lakes and their connecting or tributary waters or at tidewater, as such terms are defined in this regulation, for use as bunker fuel therein. Bituminous coal otherwise sold or delivered, including bituminous coal sold to another person for general use or for delivery by such other person for use as bunker fuel, is not subject to this regulation, but shall be subject to Maximum Price Regulation No. 120 or Revised Maximum Price Regulation No. 122 as the case may be: *Provided, however,* That where a supplier who does not have bunker fuel readily available (in storage or transportation facilities) to fuel a vessel at a particular port purchases the same from another supplier who has such fuel available at that port, the sale by each supplier shall be subject to maximum prices applicable under this regulation to a direct sale by the particular supplier to the vessel in question.

[Above paragraph as amended by Am. 12, 8 F.R. 8504, effective 6–18–43]

(a) The maximum price for the sale of bituminous coal for bunkering vessels by a supplier of bunker fuel at points at tidewater shall be:

(1) The highest price at which the same person sold or delivered bunker fuel at the same point and from the same facilities, between January 1–15, 1942, inclusive. This shall be the price for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchasers; for tug, freighter, liner; for domestic or foreign bunkers, etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(2) If the maximum price cannot be determined under (1) above, the maximum price shall be the highest price in a contract executed prior to January 15, 1942 and in effect during the period of January 1–15, 1942, inclusive, for the sale of bunker fuel at the same point and for delivery from the same facilities. This shall be the price so provided for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser; for tug, freighter, liner; for domestic or foreign bunker; etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(3) If the maximum price cannot be determined under (1) or (2) above, the maximum price shall be the price specified in the last price schedule, list, or circular issued by the same person on or before January 15, 1942, and in effect during any portion of the period January 1–15, 1942, inclusive, for the sale of bunker fuel at the same point and for delivery from the same facilities. This shall be the price so specified for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser; for tug, freighter, liner; for domestic or foreign bunker; etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(4) If the maximum price cannot be determined under (1), (2) or (3) above, the maximum price shall be the maximum price applicable to any competitive supplier of bunker fuel in the same locality, for the sale of bunker fuel at the same point and for delivery from similar facilities, under the provisions of this section. This shall be the price for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser, for tug, freighter, liner, etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(5) There may be added to the maximum prices established in subparagraphs (1) to (4) of this paragraph (a) not more than the exact amount per net ton of any railroad freight rate increases which became effective between January 15, 1942 and April 30, 1942, and which are actually incurred by the supplier of bunker fuel. On and after May 25, 1943, there shall not be so added all or any part of the freight rate increase authorized either by the Interstate Commerce Commission on March 18, 1942, in Ex Parte 148, or by any state freight rate regulatory body and based on Ex Parte 148.

[Subparagraph (5) added by Am. 1, 7 F.R. 6684, effective 8–1–42 and amended by Am. 10, 8 F.R. 6842, effective 5–25–43 and Am. 15, 8 F.R. 11143, effective 8–14–43]

(6) The maximum price per gross ton for the sale of bituminous coal produced at mines in Districts Nos. 7 and 8, sold for delivery to New York Harbor for bunker fuel use shall be the maximum price established for sales of bituminous coal produced at mines in District No. 1 for such use in accordance with subparagraphs (1) to (5) of this paragraph (a), plus an amount not to exceed the difference between the freight rate on which the particular bituminous coal produced at the Districts Nos. 7 and 8 mines moved, and the following amount: (i) $2.67 where the delivery is made to vessels moving offshore; (ii) $2.78, where the delivery is made to vessels in coastwise trade.

[Subparagraph (6) added by Am. 4, 7 F.R. 10470, effective 12–18–42 and amended by Am. 7, 8 F.R. 2973, effective 3–15–43, Am. 8, 8 F.R. 5566, effective 5–1–43, and Am. 10, 8 F.R. 6842, effective 5–25–43]

(7) the maximum price per gross ton for the sale of bituminous coal produced at mines in Districts Nos. 7 and 8, sold for delivery to Philadelphia Harbor for bunker fuel use shall be the maximum price established for sales of bituminous coal produced at mines in District No. 1 for such use, in accordance with sub-

paragraphs (1) to (5) of this paragraph (a), plus an amount not to exceed the difference between the freight rate on which the particular bituminous coal produced at the Districts Nos. 7 and 8 mines moved, and the Clearfield freight rate per gross ton applicable to coals moving from District No. 1 to Philadelphia Harbor for bunker fuel use on vessels moving to the destination involved.

[Subparagraph (7) added by Am. 11, 8 F.R. 8504, effective 6–18–43]

(b) The maximum price for the sale of bituminous coal for bunkering vessels by a supplier of bunker fuel at points on the Great Lakes and their connecting or tributary waters shall be:

(1) The highest price at which the same person sold or delivered bunker fuel at the same point and for delivery from the same facilities between April 15–30, 1942, inclusive. This shall be the price for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchasers; for tug, freight, liner; for domestic or foreign bunkers, etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(2) If the maximum price cannot be determined under (1) above, the maximum price shall be the highest price in a contract executed prior to May 1, 1942 and in effect during the period of April 15–30, 1942, inclusive, for the sale of bunker fuel at the same point and for delivery from the same facilities. This shall be the price so provided for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser; for tug, freighter, liner; for domestic or foreign bunker; etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(3) If the maximum price cannot be determined under (1) or (2) above, the maximum price shall be the price specified in the last price schedule, list, or circular issued by the same person on or before May 1, 1942, and in effect during any portion of the period April 15–30, 1942, inclusive, for the sale of bunker fuel at the same point and for delivery from the same facilities. This shall be the price so specified for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser; for tug, freight, liner; for domestic or foreign bunker; etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(4) If the maximum price cannot be determined under (1), (2) or (3) above, the maximum price shall be the maximum price applicable to any competitive supplier of bunker fuel in the same locality, for the sale of bunker fuel at the same point and for delivery from similar facilities, under the provisions of this § 1340.313. This shall be the price for the sale of:

(i) The same size, kind, and quality of bituminous coal where these elements are a price factor;

(ii) To purchasers of the same class (e. g. spot or contract purchaser, for tug, freight, liner, etc.);

(iii) By the same method of delivery or handling from shore facilities; (e. g. car dump, lighter, loading from pockets, conveyor, etc.); and

(iv) Under the same terms of delivery.

(5) On and after May 25, 1943, the maximum prices established by this paragraph (b) shall be reduced by the amount of the freight rate increase authorized either by the Interstate Commerce Commission on March 18, 1942 in Ex Parte 148, or by any state freight rate regulatory body and based on Ex Parte 148.

[Subparagraph (5) added by Am. 10, 8 F.R. 6842, effective 5–25–43 and amended by Am. 15, 8 F.R. 11143, effective 8–14–43]

(c) The following additional rule shall apply to bunker fuel produced in Districts 1–4, 6–10, 13, 14, 19, 20, 23:

(1) *Tidewater bunker coal.* (i) Not more than the following respective amounts per net ton may be added to the maximum prices determined in accordance with paragraph (a) of this section for bunker fuel produced in the following respective districts:

	Cents
(*a*) Districts 1–4, 6–8	50
(*b*) District 9	15
(*c*) District 10	10
(*d*) District 13	40
(*e*) District 14	20
(*f*) District 19	30
(*g*) District 20	25
(*h*) District 23	50

(2) *"Lake" bunker coal.* (i) Not more than the following respective amounts per net ton may be added to the maximum prices determined in accordance with paragraph (b) of this section for bunker fuel produced in the following respective districts:

	Cents
(*a*) Districts 1–4, 6–8	50
(*b*) District 9	15
(*c*) District 10	10

(3) The maximum prices provided by the above paragraphs (1) and (2) of § 1340.313 (c) shall terminate on December 31, 1943, whereupon the applicable maxima shall be those which were effective immediately prior to this Amendment No. 13, unless different provision has been made prior to such expiration date.

[Paragraph (c) amended by Am. 9, 8 F.R. 6444, effective 5–15–43 and Am. 13, 8 F.R. 8680, effective 6–22–43. Termination date in (c) (3) amended by Am. 17, 8 F.R. 11846, effective 8–25–43]

(d) Where the maximum price of any supplier of bunker fuel is established under paragraphs (a) (4) or (b) (4) of this section, such supplier shall submit to the Solid Fuels Branch, Office of Price Administration, Washington, D. C., not later than ten (10) days after the sale of the bunker fuel at a price so established, a description of the sale made at such price, a statement of the reasons why the maximum price could not otherwise be determined, the name of the competitive supplier of bunker fuel whose maximum price was used, and the amount of such price.

[Paragraph (d) as amended by Am. 16, 8 F.R. 11690, effective 8–21–43]

(e) Where the maximum price cannot be determined under paragraphs (a), (b) and (c) of this section, then the maximum price shall be a price determined by the supplier in accordance with specific authorization from the Office of Price Administration. A supplier who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration, Solid Fuels Branch, Washington, D. C., two copies of an application setting forth (1) a description of the bunker fuel for which a maximum price is sought, including the producing districts and mine index numbers of the originating mines, and, where a mixture is involved, the proportions of each of the different coals mixed; (2) a statement of the reasons why the bunker fuel in question cannot be priced under paragraphs (a), (b) and (c) of this section; and (3) any other facts which the supplier wishes to submit in support of the application.

[Paragraph (c) redesignated (d), and new paragraphs (c) and (e) added by Am. 6, 8 F.R. 2236, effective 2–18–43]

§ 1340.314 *Effective date.* Maximum Price Regulation No. 189 (§§ 1340.301 to 1340.314, inclusive) shall become effective August 1, 1942.

[Issued July 27, 1942]

§ 1340.314a *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following the parts affected.]

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–17903; Filed, November 4, 1943; 4:47 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR. 150, Corr. to Amdt. 3[1]]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

In item 4, the designation section 6, is corrected to read section 6 (a).

[1] 8 F.R. 14076.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17905; Filed, November 4, 1943; 4:45 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 19,[1] Amdt. 7]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 19 is amended in the following respect:

Section 5a (d) is amended to read as follows:

(d) *New distributors.* Any person who cannot meet the definitions of wholesalers or commission men may make special application to the Lumber Branch, Office of Price Administration, Washington, D. C. He may be given permission to qualify as one or the other, if he meets the following tests: He must provide evidence from banks or others, showing adequate financial responsibility. He must also fill orders with the Central Procuring Agency totaling at least 1,000,000 feet of Southern Pine lumber for delivery within six months, to be shipped from mills which in 1942 produced less than 5,000,000 board feet of Southern Pine lumber. In the case of mills which were not operating during substantially the entire year of 1942, shipment must be made from mills whose capacity as rated by the United States Forest Service is less than 25,000 board feet per day. Final authorization will not be granted until the entire 1,000,000 feet of lumber has been successfully delivered within the six months period. Until final authorization is granted, the 6 percent or 4 percent addition to the maximum price, as the case may be, must be held in escrow by a bank or other third party, on all sales of lumber made by the distributor, and if the quantity is not successfully delivered within the six months, the 6 percent or 4 percent addition must be returned to the buyers.

The authorization will not be granted if it appears that the purpose of the application is to evade the regulation by interposing an unnecessary middleman in the distribution of lumber, who will not in fact render the services characteristically rendered by the type of distributor in question. (For a corresponding provision on setting up new distribution yards, see section 2 (c).)

This amendment shall become effective November 10, 1943.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5536, 6619, 6544, 8979, 10732, 11812, 11846, 12236, 13340.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17907; Filed, November 4, 1943; 4:47 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 19,[1] Amdt. 8]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 5 is amended by adding a new paragraph (e) to read as follows:

(e) *Inspection certificate required on sales of certain grades.* Any shipment of Southern Pine lumber priced in Tables 1, 2, 8, 18, 19 and 26 which does not bear the grade-mark of a qualified inspection agency or inspector which is currently recognized and accepted as such by any federal agency and which contains more than 30 percent of No. 1 Common or higher grades must be accompanied by a certificate of inspection by a qualified inspection agency or inspector which is currently recognized and accepted as such by any federal agency covering all lumber in the shipment. In the absence of such a certificate, lumber invoiced as No. 1 Common or higher grades in any such shipment may not be sold at prices higher than the prices provided in such tables for No. 2 Common.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17908; Filed, November 4, 1943; 4:46 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 458,[2] Incl. Amdt. 1]

OAK FLOORING AND PECAN FLOORING[3]

The title, preamble, sections 1 (a), 2, 4, 7 (a) (2), 9, and Table 1 amended; Table 2 redesignated 3 and amended; section 7 (c) and Tables 2 and 4 added by Amendment 1, effective November 4, 1943, so that Maximum Price Regulation No. 458 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper to establish specific maximum prices for the sales of oak flooring and pecan flooring. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[4]

§ 1382.303 *Maximum prices for oak flooring and pecan flooring.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 458 (Oak Flooring and Pecan Flooring) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1382.303 issued under 56 Stat. 23, 765; Public Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 458—OAK FLOORING AND PECAN FLOORING

ARTICLE I—SCOPE OF THE REGULATION

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

ARTICLE III—SPECIFIC DUTIES AND PRIVILEGES AND PROHIBITED PRACTICES

ARTICLE IV—PRICE TABLES

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after August 28, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business, any oak flooring and pecan flooring for direct-mill

[1] 8 F.R. 5536, 6619, 6544, 8979, 10732, 11812, 11846, 12236, 13340.

[2] 8 F.R. 11736.

[3] "And pecan flooring" is added to the title and to all references to oak flooring by Amdt. 1, effective 11-4-43.

[4] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What products, transactions, and persons are covered.* This regulation covers all direct-mill sales of standard grades and victory grade of oak flooring and pecan flooring, graded as such under the effective Grading Rules of the National Oak Flooring Manufacturers' Association, and also prefinished oak and pecan flooring. For the purposes of this regulation, prefinished oak and pecan flooring means oak and pecan flooring that has been sanded, filled, finished, waxed and pressure-rubbed to form a finished product ready for immediate use after installation. The regulation applies regardless of the kind of mill or plant in which the flooring is produced, and regardless of whether the particular item is specifically priced in the price tables or not. Any person who makes a sale of this kind, for himself, or others, is subject to this regulation.

[Sec. 2 as amended by Am. 1, effective 11-4-43]

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Maximum f. o. b. mill prices.* (a) The maximum f. o. b. mill prices for oak flooring and pecan flooring are set forth in Article IV.

(b) *Less than carload quantities.* Where the purchaser's order requires less than carload lot shipments, an addition of $4.00 per M'BM may be made for oak flooring and pecan flooring shipped in less than carload lots.

SEC. 4. *Delivered prices.* The general rule is that the maximum delivered price shall be a price not higher than the f. o. b. mill maximum price plus the actual transportation charges paid or incurred by the seller in making shipment directly from the mill to the point of delivery required by the purchaser. However, it is permissible to quote and charge delivered prices based on the rail rate times the estimated weight, evened out to the nearest quarter-dollar per M'BM.

The estimated weights are contained in the following table:

Estimated Weights for Red Oak, White Oak, and Pecan Flooring

Standard Grades and Victory Grade Flooring:	*Weight per M'BM (Pounds)*
3/8" x 1½"	1,000
3/8" x 2"	1,000
½" x 1½"	1,300
½" x 2"	1,300
5/16" x 1½"	1,200
5/16" x 2"	1,200
25/32" x 1½"	2,000
25/32" x 2"	2,000
25/32" x 2¼"	2,000
25/32" x 3¼"	2,250
Prefinished Flooring:	
25/32" x 3¼"	2,250
25/32" x 2¾"	2,125
25/32" x 2¼"	2,000
½" x 2½"	1,500
½" x 2"	1,300
3/8" x 2"	1,000

[Sec. 4 as amended by Am. 1, effective 11-4-43]

SEC. 5. *Grades, services, or extras not listed.* (a) If a seller wishes to sell a grade or item which is not specifically priced in the price tables, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, in October, 1941, from the seller's own records, or if that is impossible, from experience of the trade. If no established price differential which can be used for comparison existed, a detailed analysis of the calculation of the requested price should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

ARTICLE III—SPECIFIC DUTIES AND PRIVILEGES AND PROHIBITED PRACTICES

SEC. 6. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[Sec. 6 as amended by Am. 1 to Supplementary Order No. 50, 8 F.R. 10568, 14310, effective 10-26-43]

SEC. 7. *Petitions for adjustment or amendment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States". The term also includes any sub-contract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices established by this regulation impede or threaten to impede production of oak flooring and pecan flooring essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6,[5] as amended, by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[6] issued by the Office of Price Administration.

(c) *Applications for adjustment.* The Price Administrator may by order adjust the maximum prices established under this regulation for any seller of oak flooring who shows that these prices will not permit him to cover the total costs of his oak flooring operations.

Applications under this section must be filed before January 1, 1944, and must be filed in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

All applications must contain:

(1) Profit and loss statements, in the detail normally prepared by the applicant, covering the company's entire operations, for the years 1941 and 1942 and the first six months in 1943; companies who have previously filed OPA forms "A" and "B" for the above periods, need not file additional financial statements;

(2) Operating statements for oak flooring operations only, for the same periods;

(3) A tabulation showing for the period covering the first six months of 1943 the production of oak flooring and each item within each grade.

[Paragraph (c) added by Am. 1, effective 11-4-43]

SEC. 8. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

[5] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.
[6] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

SEC. 9. *Records.* All sellers and all buyers of oak flooring and pecan flooring for direct-mill shipment must retain a copy of the invoice covering each transaction or maintain records in other form containing a complete description of the flooring, name and address of the other party to the transaction, date of sale, and the price paid, including any special addition for extra service, working, or specification. These records must be retained for two years, for inspection by the Office of Price Administration.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 10a. *Licensing.* The provisions of Licensing Order No. 1,[7] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 10a added by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

[7] 8 F.R. 13240.

SEC. 11. *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the General Maximum Price Regulation,[8] and especially the Maximum Import Price Regulation.[9]

SEC. 12. *Relation to other regulations.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation.

[8] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.
[9] 8 F.R. 11681, 12237.

ARTICLE IV—PRICE TABLES

TABLE 1—MAXIMUM PRICES PER M'BM FOR STANDARD GRADES AND VICTORY GRADE OAK FLOORING

Grade and Species	25/32 x 3¼" tongued and grooved E. M.	25/32 x 2¼" tongued and grooved E. M.	25/32 x 2" tongued and grooved E. M.	25/32 x 1½" tongued and grooved E. M.	½ x 2" tongued and grooved E. M.	½ x 1½" tongued and grooved E. M.	3/8 x 2" tongued and grooved E. M.	3/8 x 1½" tongued and grooved E. M.	5/16 x 2" V. E. strips or sq. edge	5/16 x 1½" V. E. strips or sq. edge
Clear quartered white oak		$114.00	$102.00	$96.00	$104.00	$103.00	$93.00	$90.00	$106.00	$101.00
Clear quartered red oak		103.00	94.00	88.00	101.00	99.00	87.00	86.00	92.00	87.00
Select quartered white oak		97.00	91.00	81.00	87.00	85.00	70.00	68.00	82.00	78.00
Select quartered red oak		98.00	92.00	82.00	88.00	85.00	72.00	71.00	82.00	78.00
Clear plain white oak		99.00	91.00	83.00	90.00	86.00	76.00	65.00	87.00	75.00
Clear plain red oak		99.00	91.00	83.00	90.00	85.00	76.00	67.00	86.00	75.00
Select plain white oak		94.00	90.00	78.00	85.00	77.00	63.00	62.00	81.00	70.00
Select plain red oak		94.00	87.00	81.00	83.00	78.00	65.00	62.00	81.00	70.00
No. 1 common white oak		88.00	81.00	70.00	78.00	72.00	58.00	57.00	72.00	62.00
No. 1 common red oak		88.00	81.00	71.00	78.00	72.00	58.00	57.00	72.00	62.00
No. 2 common mixed oak		67.00	58.00	52.00	53.00	46.00	47.00	44.00	37.00	33.00
No. 1 com. and btr. mixed oak shorts		75.00	66.00	60.00	62.00	57.00	53.00	48.00	39.00	36.00
No. 2 common mixed oak shorts		52.00	48.00	45.00	44.00	37.00	39.00	34.00		
Victory Grade red or white oak	$93.00	87.00	78.00	70.00	77.00	71.00	57.00	56.00		
Victory Grade red or white oak shorts	72.00	67.00	58.00	52.00	55.00	50.00	46.00	41.00		

Notes on standard grades and victory grade oak flooring:
2' Bundles Only: For 2' Bundles Only, the maximum price shall be 80 percent of the maximum price for the same grade and size in regular length stock, as set forth in this table.
2' and 3' Bundles Only: For 2' and 3' Bundles Only (to include at least 20 percent of footage in 3' bundles), the maximum price shall be 85 percent of the maximum price for the same grade and size in regular length stock, as set forth in this table.

[Table 1 as amended by Am. 1, effective 11-4-43]

TABLE 2—MAXIMUM PRICES PER M'BM FOR STANDARD GRADES AND VICTORY GRADE PECAN FLOORING

25/32" x 1½"

Grade:	Maximum Price per M'BM
First Grade	$73.00
Second Grade	64.00
Third Grade	56.00
Fourth Grade	41.00
Victory Grade	61.00
Victory Grade Shorts	48.00

25/32" x 2¼"

First Grade—White	91.00
First Grade—Red	91.00
First Grade—Regular	88.00

TABLE 2—Continued

25/32" x 2¼"—Continued

Grade:	Maximum Price per M'BM
Second Grade—Red	$86.00
Second Grade—Regular	82.00
Third Grade	75.00
Fourth Grade	55.00
Fourth Grade—15" Shorts	46.00
Victory Grade	79.00
Victory Grade Shorts	63.00

25/32" x 3¼"

Victory Grade	85.00
Victory Grade Shorts	69.00

[Table 2 added and former Table 2 redesignated 3 and amended by Am. 1, effective 11-4-43]

TABLE 3—MAXIMUM PRICES PER M'BM FOR PREFINISHED RED OAK OR WHITE OAK FLOORING

	25/32 x 3¼"	25/32 x 2¼"	25/32 x 2¼"	½ x 2½"	½ x 2"	3/8 x 2"
Prime	$115.00	$109.00	$109.00	$107.00	$107.00	$92.50
Standard	111.00	105.00	105.00	103.00	103.00	88.50
Standard and better	113.00	107.00	107.00	105.00	105.00	90.50

Notes on prefinished red or white oak flooring:
Prime grade: Same as Select and Better Strip Oak Flooring, and will average approximately 50 percent each Clear and Selects. Bundles: 2' and longer; minimum average: 4½'.
Standard grade: A combination of No. 1 Common and No. 2 Common Strip Oak Flooring, and will average approximately 70 percent No. 1 Common and 30 percent No. 2 Common. Bundles: 1¼' and longer; minimum average: 3¼'.
Standard and better grade: A combination of Prime Grade and Standard Grade, to include the normal percentage of each of these grades developing.
Additions and deductions: For Standard or Standard and Better Grade, shipped in 2' and longer bundles, add $2.00 per M'BM to the price for the regular grade (2' bundles contain pieces 18" to 30").
For Prime, Standard or Standard and Better Grade, shipped in 1¼' bundles only, deduct $15.00 per M'BM from the price for the appropriate grade in Table 3.

TABLE 4—MAXIMUM PRICES PER M'BM FOR PREFINISHED PECAN FLOORING

Grades	25/32x3¼"	25/32x2¼"	25/32x2¼"
Prime	$108.00	$102.00	$102.00
Standard	105.00	99.00	99.00
Standard and better	106.50	100.50	100.50

Notes on Prefinished Pecan Flooring:
Prime Grade: Same as Second and Better Strip Pecan Flooring, and will average about 50 percent First Grade and 50 percent Second Grade. Bundles: 2' and longer; minimum average: 4'.
Standard Grade: Same as Third Grade. Bundles: 1¼' and longer; minimum average: 3'.
Standard and Better Grade: A combination of Prime Grade and Standard Grade to include the normal percentage of each of these grades developing.
Additions and Deductions: For Standard or Standard and Better Grade, shipped in 2' and longer bundles, add $2.00 per M'BM to the price for the regular grade (2' bundles contain pieces 18" to 30").
For Prime, Standard or Standard and Better Grade, shipped in 1¼' bundles only, deduct $15.00 per M'BM from the price for the appropriate grade in Table 4.

[Table 4 added by Am. 1, effective 11-4-43]

This regulation shall become effective August 28, 1943.

[Issued August 23, 1943]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17909; Filed, November 4, 1943; 4:45 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 79]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 9.5 (c) (3) is amended by inserting the following between the first and second sentences:

(However, if money payment for the foods transferred is made less than 10 days after the transfer, points must be given up at the time the money payment is made.)

This amendment shall become effective November 8, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562, Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 3d day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17794; Filed, November 3, 1943; 5:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14[2] to GMPR, Amdt. 50]

ASH AND GARBAGE CANS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 6.27 is added to read as follows:

SEC. 6.27 *Ash and garbage cans.* The Office of Price Administration, or any Regional Price Administrator, may by order establish specific maximum prices for sales of ash and garbage cans at wholesale and retail in any area or locality. Any order establishing maximum prices issued under the authority of this provision will supersede the General Maximum Price Regulation with respect to the sales of ash and garbage cans subject to such order.

This amendment shall become effective November 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17911; Filed, November 4, 1943; 4:47 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11048, 11383, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560, 12693, 13301, 13492, 13980.

[2] 8 F.R. 9787, 9880, 10432, 10566, 10433, 10668, 10731, 10759, 10763, 10939, 10647, 10984, 10758, 11174, 11182, 11247, 11215, 11479, 11572, 11754, 11873.

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Order 1 Under 2d Rev. Restaurant MPR 7-1]

MALT BEVERAGES

Order No. 1 under 2d Revised Restaurant Maximum Price Regulation No. 7-1—Food and Drink Sold for Immediate Consumption.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Utah District Office of Region VII of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration and Region VII Revised Delegation Order No. 15 issued September 20, 1943, and pursuant to section 20 of 2d Revised Restaurant Maximum Price Regulation No. 7-1, it is hereby ordered:

SECTION 1. *What this order requires.* If you are a person covered by 2d Revised Restaurant Maximum Price Regulation No. 7-1, you must, notwithstanding the provisions of any other order or regulation, observe the ceiling prices established by this order for malt beverages, post prices as subsequently specified, and keep records and comply with such provisions of 2d Revised Restaurant Maximum Price Regulation No. 7-1 as are not in conflict herewith.

SEC. 2. *Your ceiling prices.* Your ceiling prices for malt beverages are set forth below.

(a) *Bottled malt beverages.*

Brand	Maximum prices per bottle		
	12 oz.	32 oz.	64 oz.
	Cents	*Cents*	*Cents*
Acme beer	16	36	62
Becker beer	16	36	62
Coors beer	16	36	-------
Fisher beer	16	36	62
Rainier beer	16	36	-------
Tivoli beer	16	36	-------
Uinta Club beer	16	36	62
Walters beer	16	36	62
Rainiers ale	17	-------	-------
Walters ale	17	-------	-------
Blatz beer	21	42	-------
Budweiser beer	21	42	-------
Millers High Life beer	21	42	-------
Pabst Blue Ribbon beer	21	42	-------
Schlitz beer	21	42	-------

(b) *Malt beverages on draft.*

Brand	Size serving	Price
		Cents
Michelob beer	8 oz	10
All other brands	10 oz	10

Other quantities of any or all brands of draft beer may be sold by any seller subject to this order provided such seller serves no less than one fluid ounce of beer for each one cent charged.

(c) *Unbranded beverages. Your ceiling* price for any bottled malt beverage which does not carry a brand or trade name at the time of sale shall be the lowest ceiling price established by paragraph (a) for the same size bottle of malt beverage.

(d) *New and unlisted brands.* Your ceiling prices for new brands of malt beverages or brands which are not listed above must be determined in advance of sale by making application to the Utah District Office of the Office of Price Administration. This office will establish your ceiling price or prices and notify you accordingly. Your application need not be in any set form but must include your name and address; the location and type of eating and drinking place; the trade name or brand of the beverage or drink for which you apply for a ceiling price; the size of the bottle or glass sold to consumers; and a description of the unit of purchase and the delivered cost per unit to you.

(e) *Addition of taxes.* You may not add taxes to the ceiling prices provided for in the preceding paragraphs. Existing taxes have already been taken into account in establishing these prices. If new or increased taxes render the prices inequitable, appropriate action will be taken by amendment. You may, however, continue to collect from the purchaser, in addition to the price herein established, the amount of the Utah State Sales Tax as required by the Emergency Revenue Act of 1933, as amended.

(f) *Adjustment of ceiling prices.* You may apply for adjustment of the ceiling prices set forth above if by reason of special service, entertainment, location or other unusual operating factors your eating and drinking place has charged higher prices for malt beverages than those generally charged by regular service restaurants. Adjustments can be granted only by your OPA District Office and in no event can the adjusted ceiling price be higher than the highest price at which you sold the same or comparable brand of malt beverage during the seven-day period from April 4 to 10, 1943. Such an application must be filed in duplicate with your local War Price and Rationing Board. No application filed after December 15, 1943 will be granted. The application must contain:

(1) Name and address of your eating or drinking place for which the adjustment is sought.

(2) A description of the type of operation, (such as hotel dining room, night club, high grade restaurants offering entertainment).

(3) A list showing separately the highest price or prices which you charged for the malt beverage for which you ask an adjustment during March, 1942 and the seven-day period from April 4 to April 10, 1943. You must also include in the list the adjusted prices which you are requesting. If your prices during the seven-day period and March, 1942 varied according to the time of day at which a sale was being made, you must indicate the different periods of the day and the different prices prevailing during such periods. If your place was not in operation during March, 1942, or if you did not sell malt beverages during that month, you must show instead your highest prices during the first month thereafter when your place was in operation or when you sold malt beverages.

(4) The reasons why you believe an adjustment should be permitted.

(5) The names of two of the nearest eating and drinking establishments of the same type as yours; and

(6) Such other information as you believe helpful.

(g) *Evasion.* You must not evade the ceiling prices established by this section by any type of evasion scheme or device. Among other things you must not:

(1) Institute any cover, minimum, bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did not have in effect during the seven-day period from April 4 to April 10, 1943.

(2) Require as a condition of sale of a beverage the purchase of other items or meals when such condition was not in effect during the period April 4 to April 10, 1943.

SEC. 3. *You must post prices.* You must post the prices of the malt beverages sold by you either by:

(a) Supplying menus or bills of fare to your customers containing the brand name, quantity and price of all malt beverages which are sold by you subject to this order, or

(b) Posting a sign in a place where it can easily be read by your customers. On the sign you must show the brand name, quantity and prices of malt beverages you are selling subject to this order.

SEC. 4. *Definitions.* (a) "Malt beverage" means any malt beverage produced either within or without the continental United States which commonly goes by the name of beer or ale.

(b) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 5. *Revocation and amendment.* (a) This order may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this order by proceeding in accordance with Revised Procedural Regulation No. 1, except that petitions will be filed with and acted upon by the District Director.

This order shall become effective October 28, 1943.

NOTE: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 19th day of October 1943.

H. GRANT IVINS,
State Director.

[F. R. Doc. 43-17910; Filed, November 4, 1943; 4:48 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289,[1] Amdt. 22]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 289 is amended in the following respects:

1. Section 1351.1520 (a) (2) is amended to read as follows:

(2) *Sales by a creamery or manufacturer of butter.* The maximum price for any of the following sales of bulk butter by a creamery or manufacturer of butter shall be as set forth in the following subdivisions (i) to (xi) inclusive, of this subparagraph: A sale to any purchaser on the basis of f. o. b. the creamery or place of manufacture; a sale for delivery to a primary distributor, jobber, or retailer distributing warehouse; a sale in carload lots to any purchaser or combination of purchasers. Any sale by any person on the basis of f. o. b. the creamery or place of manufacture shall be deemed a sale by a creamery and the maximum price for such sale shall be as set forth in the following subdivisions (i) to (xi) inclusive of this subparagraph.

2. Section 1351.1520 (a) (3) (ii) is amended to read as follows:

(ii) The maximum price for the sale of any particular score or grade of bulk butter by a primary distributor delivered to the purchaser at any place shall be the maximum price for "sales by a creamery" of that particular score or grade in that place established in subparagraph (2) of this paragraph, plus:

¼¢ per lb. for sales of 20,000 lbs. or more.
½¢ per lb. for sales of less than 20,000 lbs.

3. Section 1351.1520 (a) (4) is amended to read as follows:

(4) *Sales by a jobber*—(i) *Definition.* A "jobber" is anyone who sells to, and makes delivery to the physical premises of an individual retail store, a nonfederal governmental user (such as a state or municipal hospital), an individual commercial user (such as a restaurant, hotel, or club), an individual institutional user (such as a hospital or school), or an individual industrial user (such as a baker or other food processor who uses butter in his manufacturing process). No one shall be deemed a jobber unless he owns or maintains a warehouse in the marketing area in which the physical premises of the above described purchaser are located.

(ii) No sale shall be deemed a sale by a jobber within the meaning of this subparagraph unless delivery is made to the physical premises of a purchaser designated in subdivision (i) of this subparagraph.

(iii) The maximum price for the sale of any particular score or grade of bulk butter in any place by a jobber shall be the maximum price for "sales by a creamery" of that particular score or grade in that place as established in subdivisions (i) to (xi) inclusive, of subparagraph (2) of this paragraph, plus the following allowances:

2¢ per lb. for deliveries of 1 to 200 lbs. inclusive.
1¾¢ per lb. for deliveries of over 200 but not over 500 lbs.
1½¢ per lb. for deliveries of over 500 but not over 1500 lbs.
¾¢ per lb. for deliveries of over 1500 to 5000 lbs. inclusive.

Provided, however, That these allowances shall not apply to sales and deliveries by jobbers to any retail store which is classified in Group 3 or Group 4 under Maximum Price Regulation No. 422 and which during 1942 received the greater part of its butter either from a chain store warehouse or from purchases in carload lots, or to any retail store classified in Group 3 under Maximum Price Regulation No. 422 which was not doing business in 1942 and which is a member of a retail organization having a warehouse capable of servicing such store. For such sales and deliveries the following allowances shall apply:

¾¢ per lb. for deliveries of 1 to 1500 lbs. inclusive.
½¢ per lb. for deliveries of over 1500 to 5000 lbs. inclusive.

(A Group 3 retail store, commonly known as a chain store, is a store of a retail organization which owns four or more stores whose combined annual gross sales during 1942 amounted to $500,000 or more. A Group 4 retail store is generally any retail store, independent or chain, whose annual gross sales in 1942 amounted to $250,000 or more.)

(iv) The maximum prices established in subdivision (iii) of this subparagraph shall not apply to any sale by a creamery, butter manufacturer, or association of creameries or butter manufacturers to any purchaser whose physical premises are located at a point more than fifty miles from the place where the creamery or butter manufactory is located where the sale or delivery is made by, through, or with the assistance of any agent, commission salesman, or trucking or hauling agent or contractor. For any such sale, the maximum price shall not exceed the maximum price in that place for a "sale by a creamery" of the particular score or grade of butter sold as established in paragraph (a) (2) of this section plus the exact sum paid by the creamery, manufacturer or association to the agent, commission salesman, and/or trucking or hauling agent or contractor for making the sale and delivery to the purchaser: *Provided, however,* That in no case may the sum which may be added for such sale and delivery exceed the appropriate allowance established in subdivision (iii) of this subparagraph for the quantity sold and delivered.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10996, 8 F.R. 490, 1458, 1885, 1972, 3252, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8751, 9380, 9229, 10667, 11245.

4. Section 1351.1520 (a) (5) is redesignated § 1351.1520 (a) (6) and amended to read as follows:

(6) *Sales to the United States Government.* (i) The maximum price for the sale of any particular score or grade of bulk butter in any place to the United States Government or any agency thereof shall be determined in accordance with paragraph (a) (2) of this section establishing maximum prices for "sales by a creamery."

(ii) *Provided, however,* That this maximum price for sales to the United States Government or any agency thereof may be increased by the following amounts where a sale is made to, and delivery made to the physical location of, an individual military or naval establishment, or a federal hospital, school, or penal institution:

2¢ per lb. for deliveries of 1 to 200 lbs. inclusive.

1¾¢ per lb. for deliveries of over 200 but not over 500 lbs.

1½¢ per lb. for deliveries of over 500 but not over 1500 lbs.

¾¢ per lb. for deliveries of over 1500 to 5000 lbs. inclusive.

However, where delivery is not made to the physical location of the purchaser, or where the sale is of a quantity greater than 5000 lbs., no amount may be added to the maximum price established in subdivision (i) of this subparagraph.

5. A new § 1351.1520 (a) (5) is added to read as follows:

(5) *Particular sales not already provided for.* (i) The maximum price for sales of bulk butter to individual retail stores, non-federal governmental users, or to individual commercial, institutional or industrial users where the quantity sold is over 5000 pounds or where delivery is not made to the physical premises of the individual retail store, non-federal governmental user, commercial user, industrial user, or institutional user, shall be determined in accordance with the provisions of paragraph (a) (3) of this section establishing maximum prices for "sales by a primary distributor." *Provided, however,* That for any such sales the seller must qualify as a "primary distributor" within the meaning of paragraph (a) (3) (i) in order to obtain the maximum price established for "sales by a primary distributor" by paragraph (a) (3) (ii). If a seller does not so qualify, the maximum price for any sale described in this subdivision of this subparagraph (5) made by him shall be determined in accordance with paragraph (a) (2) of this section establishing maximum prices for "sales by a creamery."

(ii) *Provided, however,* That subdivision (i) of this subparagraph (5) shall in no case apply to any sale by anyone made on the basis of f. o. b. the creamery or place of manufacture, or to any sale by a creamery or manufacturer of butter to any purchaser or combination of purchasers in carload lots.

6. Section 1351.1520 (b) (1) is amended to read as follows:

(b) *Butter in prints or packages.* (1) The maximum price for the sale of any particular score or grade of butter in prints or packages delivered at any place shall be the maximum price for bulk butter of that score or grade in that place by that type of seller to that type of purchaser, as determinable from the provisions of paragraph (a) of this section, plus the appropriate following sum:

1¼¢ per lb. for ½ lb. or 1 lb. prints or rolls parchment wrapped.

1¾¢ per lb. for ½ lb. or 1 lb. prints in cartons.

2¢ per lb. for ¼ lb. prints in cartons.

1½¢ per lb. for ¼ lb. prints without cartons.

3¢ per lb. for butterettes, chiplets, or similar types of restaurant cut butter.

1¢ per lb. for all other consumer packages.

½¢ per lb. for unprinted butter packed in unused tubs.

¼¢ per lb. for unprinted butter packed in used or reconditioned tubs.

7. Section 1351.1520 (c) (2) is amended to read as follows:

(2) The maximum price for any particular score or grade and form of butter sold at retail in any place by a retail route-seller shall be the maximum price for that particular score or grade established for "sales by a creamery" in paragraph (a) (2) of this section, plus the appropriate sum for that particular form as determinable from the provisions of Table B of paragraph (b) of this section, plus 7¢ per lb.

8. Section 1351.1520 (d) (1) is amended to read as follows:

(d) *Sales at retail by a creamery or manufacturer of butter.* (1) The maximum price for any particular score or grade and form of butter sold at retail in any place by a creamery or manufacturer of butter shall be the maximum price for that particular score or grade established for "sales by a creamery" plus the appropriate sum from Table B of this section for that particular form, plus 6¢ per lb.

9. Section 1351.1520 (m) (1) is amended to read as follows:

(m) *Definitions.* (1) "Butter" means the food product, commonly known as butter, which is made exclusively from milk or cream, or both, with or without the addition of common salt or coloring matter, and containing not less than 80% by weight of milk fat, all tolerance being allowed for. Such percentage of milk fat requirement shall equal that determined by the method prescribed in official and tentative methods of analysis of the Association of Official Agricultural Chemists, 5th edition, 1940.

10. Section 1351.1520 (n) is revoked.

This amendment shall become effective November 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17908; Filed, November 4, 1943; 4:45 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 2 to Supp. 1]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplement 1 to Ration Order 17 is amended in the following respect:

1. Section 1404.102 (c) of Supplement 1 to Ration Order 17 is amended to read as follows:

(c) There shall be attached to each report, the manufacturer's certified ration check drawn to the account of the Office of Price Administration for the net number of pairs of rationed shoes of its own manufacture which it transferred during the period for which the report is made to persons or establishments required to surrender ration currency. However, a manufacturer may not use for this purpose ration currency received for shoes which he had not transferred by the end of the reporting period. If a manufacturer is unable to send a ration check for the full amount required, because of loss or destruction of shoes or currency, uncollectible ration debts, or other reasons, he shall submit a ration check for the amount of ration currency available which he is permitted to use. In such a case he shall attach to his report an explanation of the deficiency. If a manufacturer receives ration currency for an item represented in a prior deficiency, he shall send a ration check with his next report for the amount so received and attach a statement that he is making up a prior deficiency. (If a manufacturer is not eligible for a ration bank account, he may send ration currency other than a ration check.)

This amendment shall become effective November 10, 1943.

NOTE: The record-keeping requirements and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 5th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17963; Filed, November 5, 1943; 11:47 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[2] Amdt. 28 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (c) (9) is added to read as follows:

---

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 6966, 12180.

[2] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10089, 10728, 11387, 11447, 11483, 11812, 12026.

(9) For the reporting period beginning December 5, 1943 and ending January 1, 1944__5.5.

This amendment shall become effective November 10, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 5th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17964; Filed, November 5, 1943; 11:47 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter I—Procurement Division, Department of the Treasury

MISCELLANEOUS AMENDMENTS TO CHAPTER

Regulations governing the operation of the Procurement Division contained in this chapter are hereby amended as follows:

PART 2—COORDINATION AND CONSOLIDATION OF SUPPLY

1. Sections 10.1 to 10.11, inclusive, of Part 10, Purchase of Supplies are renumbered §§ 2.1 to 2.11, respectively, and §§ 10.16 and 10.17 are renumbered §§ 2.12 and 2.13, respectively, of Part 2, Coordination and Consolidation of Supply.

2. In § 2.1 the title is redesignated *Policies and methods; authority of the Director of Procurement* and "and, after approval, shall be carried out by the Assistant Director, Branch of Supply" is deleted.

3. In § 2.2 the title is redesignated *Methods and procedure;* "after approval of the general policy by the Director of Procurement" is deleted; and "Director of Procurement" is substituted for "Assistant Director."

4. In §§ 2.3, 2.4, 2.6 and 2.10 "Procurement Division" is substituted for "Branch of Supply."

5. Section 2.11 is revised as follows:

§ 2.11 *Advisory Committee on Procurement Policy.* Each executive department and independent establishment will be requested to designate an authorized representative or representatives to act in a liaison capacity, with whom the Director of Procurement may communicate direct concerning the transaction of public business arising under these regulations. The representatives designated shall constitute an Advisory Committee on Procurement Policy, and the Director of Procurement shall appoint a chairman and executive subcommittee.

6. In § 2.12 insert "§§ 10.1 to 10.4" after "The regulations in this part and."

7. In section 2.13 insert "§§10.1 to 10.4" after "The regulations in this part and under."

PART 10—FEDERAL STANDARD STOCK CATALOG [1]

1. The title of Part 10 is changed from "Purchase of Supplies" to "Federal Standard Stock Catalog."

2. Sections 10.12 to 10.15, inclusive, are renumbered §§ 10.1 to 10.4, respectively.

3. In § 10.1 (former § 10.12), the title is redesignated *Authority of Director of Procurement;* "Under the general direction of the Director of Procurement" is deleted; and "Director of Procurement" is substituted for "Assistant Director."

4. In §§ 10.2, 10.3 and 10.4 (former §§ 10.13, 10.14 and 10.15) "Federal Standard Stock Catalog" is deleted from the section titles.

PART 11—STANDARD CONTRACT PROCEDURE

In § 11.1 "Under the general direction of the Director of Procurement" is deleted and "Director of Procurement" is substituted for "Assistant Director."

PART 13—FEDERAL SPECIFICATIONS

In § 13.4 "Branch of Supply," is deleted.

PART 33—SURPLUS AND SEIZED PERSONAL PROPERTY

In § 33.3 "Director of Procurement" is substituted for "Assistant Director, Branch of Supply" and "Assistant Director."

(Sec. 12, subdivision A, Regulations Governing the Operation of Branch of Supply, Procurement Division, Treasury Department, approved by President, April 12, 1935 (§ 2.12, formerly § 10.16, of this chapter))

[SEAL] CLIFTON E. MACK,
Director of Procurement.

Approved: November 1, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-17925; Filed, November 5, 1943; 10:39 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office [Appendix [2]]

[Public Land Order 189]

NEBRASKA

ORDER ESTABLISHING BOX BUTTE NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, all lands and waters acquired or to be acquired by the United States within the following-described area in Dawes County, Nebraska, are hereby reserved and set apart for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 49 W.,
Sec. 20, that part of the SE¼ lying below the reservoir contour;
Sec. 28;
Sec. 29, that part lying below the reservoir contour;
Sec. 30, lots 2 and 3, SE¼NW¼, and those parts of lot 4, NE¼, E½SW¼, and SE¼ lying below the reservoir contour;
Sec. 32, those parts of the NE¼NE¼ and N½NW¼ lying below the reservoir contour;
Sec. 33, those parts of the NW¼NE¼, NW¼, and NW¼SW¼ within the following-described boundaries:
Beginning at a point on the north boundary of sec. 33, 3,000 feet east of the northwest corner;
S. 45°00′ W., 4,243 feet to a point on the west boundary of the section;
North, 3,000 feet to the northwest corner;
East, 3,000 feet to the place of beginning.
Sec. 33, that part of the NE¼NE¼ within the following-described boundaries:
Beginning at the northeast corner of sec. 33, thence South, 290 feet;
N. 45°00′ W., 440 feet to a point on the north boundary of sec. 33;
East 290 feet to the place of beginning.

T. 29 N., R. 50 W.,
Sec. 25, N½SW¼ and that part of the N½ lying south of the line described as follows:
Beginning at a point on the east boundary of sec. 25, 1,586 feet south of the northeast corner;
N. 82°57′ W., 463.0 feet;
S. 22°57′ W., 576.0 feet;
N. 61°44′ W., 2,313.6 feet;
S. 82°35′ W., 953.8 feet;
S. 1°58′ W., 642.7 feet;
N. 87°18′ W., 953.0 feet;
S. 70°28′ W., 769.3 feet, to a point on the west boundary of sec. 25, 1,763 feet south of the northwest corner;
Sec. 25, those parts of the SW¼SW¼ and SE¼ lying below the reservoir contour;
Sec. 26, that part within the following-described boundary:
Beginning at a point on the east boundary of sec. 26, 520 feet north of the southeast corner;
N. 71°16′ W., 878.4 feet;
N. 59°38′ W., 1,154.0 feet;
S. 72°50′ W., 658.1 feet;
N. 72°50′ W., 347.7 feet;
N. 25°17′ W., 2,189.2 feet;
N. 53°13′ E., 807.0 feet;
S. 64°52′ E., 1,122.0 feet;
S. 9°55′ E., 412.0 feet;
S. 89°41′ E., 893.0 feet;
N. 44°11′ E., 499.0 feet;
N. 70°28′ E., 795.5 feet, to a point on the east boundary of sec. 26, 1,763 feet south of the northeast corner;
South, 2,973.1 feet, to the place of beginning.

The tract as shown upon Bureau of Reclamation map of Mirage Flats Project, Nebraska, Box Butte Reservoir Right-of-Way Map MF-2-8, dated August 24, 1942, contains approximately 2,210 acres. The reservoir contour referred to herein is at an elevation of 4,012 feet above sea level.

It is unlawful for any person to pursue, hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of the refuge, to occupy or use any part of the reservation, or to enter thereon except under such rules and regulations as may

[1] Sections 10.1 to 10.4 are subject to the provisions of §§ 2.12, 2.13. The term "executive departments" as used in § 10.3 is subject to the definition in § 2.1.

[2] Formerly cited as Part 298.

be prescribed by the Secretary of the Interior.

As the lands herein described have been acquired or are to be acquired for purposes in connection with the Box Butte Reservoir of the Mirage Flats Project, Nebraska, their reservation as the Box Butte National Wildlife Refuge is subject to their primary use for irrigation and other incidental purposes in connection with the construction, operation, and maintenance of the Mirage Flats project.

This reservation shall be known as the Box Butte National Wildlife Refuge.

ABE FORTAS,
Acting Secretary of the Interior.

OCTOBER 30, 1943.

[F. R. Doc. 43-17959; Filed, November 5, 1943; 11:44 a. m.]

[Public Land Order 190]

NEW MEXICO

REVOCATION OF LAND WITHDRAWAL

Revoking Public Land Order No. 113, withdrawing public land for use of the War Department as a practice bombing range.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 113 of April 21, 1943, withdrawing public land for the use of the War Department as a practice bombing range, is hereby revoked.

ABE FORTAS,
Acting Secretary of the Interior.

NOVEMBER 1, 1943.

[F. R. Doc. 43-17960; Filed, November 5, 1943; 11:45 a. m.]

[Public Land Order 191]

WASHINGTON

ORDER WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

WILLAMETTE MERIDIAN

T. 10 N., R. 27 E.,
Sec. 12.
T. 11 N., R. 27 E.,
Secs. 2, 14, 22, 26, and 34.
T. 12 N., R. 27 E.,
Secs. 14, 24, and 26.
T. 10 N., R. 28 E.,
Sec. 2, lot 8, W½NW¼;
Sec. 10, SW¼SW¼.
T. 11 N., R. 28 E.,
Sec. 20.
T. 12 N., R. 28 E.,
Sec. 6, lots 3 to 7, inclusive, SE¼NW¼, and E½SW¼.

The areas described aggregate 6,850.31 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,
Acting Secretary of the Interior.

NOVEMBER 1, 1943.

[F. R. Doc. 43-17961; Filed, November 5, 1943; 11:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4427, 4488, 4491, as amended, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 1028 (46 U.S.C. 375, 391a, 404, 405, 481, 489, 395, 367, 463a), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 61—FIRE APPARATUS; FIRE PREVENTION

Part 61 is amended by the addition of a new § 61.25 reading as follows:

§ 61.25 *Butane and propane gases for heating and cooking*—(a) *Approavl.* Butane and propane gases may be used as fuel for heating and cooking on inspected vessels, except passenger vessels, providing only such consuming appliances shall be used as conform to the requirements of and bear the label of the American Gas Association and as have been approved by the Commandant.

(b) *Odorization of gases.* In order that the danger of escaping gases may be minimized and to facilitate the quick detection of gas leaks, the gases shall be effectively odorized by an approved agent of such character as to positively indicate the presence of gas.

(c) *Cylinders, valves and enclosures.* (1) Cylinders or drums shall be I. C. C. specification containers authorized to be used as containers for the specific gas filled therein.

(2) Cylinders shall be located in a metal locker or housing on or above the weather deck in such a position that any escaping vapor cannot reach living quarters or enclosed compartments on board the vessel. Lockers or housings shall be vented to the open air by louvres located not more than one foot from the bottom.

(3) The relief valves, regulating valves, excess flow valves, vaporizers, etc., which are necessary to the complete system, shall conform to the requirements of and bear the label of the Underwriters Laboratories or other recognized testing society.

(4) A relief valve shall be incorporated in the system and in no case shall its discharge be located less than five feet from any opening to an enclosed space below the locker or housing. The relief valve may be an integral part of the regulating valve or it may be separate from the regulating valve.

(5) In all systems an excess flow valve shall be provided to shut down the system in the event of failure of the regulating valve or from other similar causes.

(6) When cylinders are not in use, the outlet valves shall be kept closed, even though the cylinders may be considered empty.

(7) Cylinders, when exhausted, shall have the outlet valve closed.

(8) The locker or housing shall be normally locked to avoid tampering and shall not be used for any purpose other than the stowage of the cylinders and valves. The cylinders, regulating valve and relief valve shall be located in the metal locker or housing, and shall be connected as set forth below in paragraph (e). The pressure regulating equipment and the relief valve shall be securely mounted and the regulator shall be so located as to be readily accessible for maintenance and testing. The cylinders or drums shall be suitably strapped and secured in place.

(9) In systems requiring the use of a vaporizer, the vaporizer shall be located in a locker or housing on or above the weather deck but it shall not be located within five feet of the locker or housing containing the cylinders and valves.

(d) *Appliances.* The appliances used with the fuel must be constructed and adjusted to burn such gas. They shall be certified by the manufacturer as conforming to the requirements of the American Gas Association for the specific appliances, namely heaters or ranges for use with butane and propane gas.

(e) *Piping and fittings.* (1) The piping between the cylinders and the appliances shall be one-half inch flexible copper tubing, complying with Federal specification WW-T-799, Type K. Copper tubing connections shall be flared connections and the number of connections shall be kept to a minimum.

(2) A shut-off valve designed for butane or propane gas service shall be installed close to the regulating equipment, permitting the shutting off of the supply from the regulator to the consuming device. A similar shut-off valve shall be installed in an accessible location in each branch connection to each appliance where more than one consuming device is used.

(3) Valves in the assembly of multiple cylinder systems shall be so arranged

that the change of cylinders may be made without shutting down the system.

(f) *Tests.* The piping between the cylinders or drums and the consuming device shall be tested with compressed air after installation and at each successive annual inspection to a pressure of two times the pressure at which the relief valve in the system is set.

(g) *Ventilation.* Adequate ventilation shall be provided in the compartment in which the heating or cooking appliances are located. The ventilation shall be sufficient to provide a change of air in the compartment at least once in every two minutes.

(h) *Marking and instructions.* (1) The metal locker or housing shall be permanently and visibly marked showing the name and address of the supplier of the system, the trade name of the system and the type of fuel.

(2) Complete printed installation, operation, and maintenance instructions shall be supplied and shall be permanently attached to the locker or housing in such a position as to be visible and legible for ready reference. The instructions shall include a diagramatic sketch of the equipment with the parts properly labeled.

Subchapter H—Great Lakes: General Rules and Regulations

PART 77—FIRE APPARATUS; FIRE PREVENTION

Part 77 is amended by the addition of a new § 77.24 reading as follows:

§ 77.24 *Butane and propane gases for heating and cooking.* (See § 61.25 of this chapter, which is identical with this section.)

Subchapter I—Bays, Sounds and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 95—FIRE APPARATUS; FIRE PREVENTION

Part 95 is amended by the addition of a new § 95.24 reading as follows:

§ 95.24 *Butane and propane gases for heating and cooking.* (See § 61.25 of this chapter, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 114—FIRE APPARATUS; FIRE PREVENTION

Part 114 is amended by the addition of a new § 114.25 reading as follows:

§ 114.25 *Butane and propane gases for heating and cooking.* (See § 61.25 of this chapter, which is identical with this section.)

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 151—MARINE ENGINEERING, MATERIALS; REGULATIONS DURING EMERGENCY

Part 151 is amended by the addition of a new § 151.13 reading as follows:

§ 151.13 *Flanges, steel plate.* Flanges without hubs cut and machined from steel plate may be used for Class II piping services provided they comply with the following requirements:

(a) The plate shall be of good weldable quality made by the open hearth or electric furnace process and shall have a minimum tensile strength of 55,000 pounds p. s. i., a yield point not less than .5 of the tensile strength and an elongation in 8″ of not less than $\frac{1{,}500{,}000}{\text{tensile strength}}$. The carbon content shall not exceed 0.33 percent, the sulphur content shall not exceed 0.05 percent and the phosphorus content shall not exceed 0.06 percent acid and 0.04 percent basic.

(b) The flange dimensions shall comply with those for 150 pound A. S. A. standard flanges as given in Table P–3 of Part 55 of this chapter.

(c) The flanges shall be attached to pipes by means of full strength fillet welds on both the face and back of the flanges.

(d) Such flanges need not be marked as required by Section 55.19–3 (s) (1) of this chapter, but when shipped shall be accompanied by an affidavit stating that they comply with the regulations in this part. The affidavit shall be kept on file by the shipbuilder or repair yard for examination and checking by the inspectors.

Part 151 is amended by the addition of a new § 151.50 reading as follows:

§ 151.50 *Oxy-acetylene pressure welding.* The welding process known as oxy-acetylene pressure welding may be used for the fabrication of Class I piping, tubing and/or fittings.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

DAVIT

Galbraith self-launching gravity davit, size 2866 (General Arrangement Dwg. No. 1123, dated 22 April, 1942) (Maximum working load 8,600 pounds per arm), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

FIRE-RESISTIVE SUBSTANCE

Pabco flameproof process, for use in the treatment of cotton drill covers of life preservers, manufactured by Paraffine Companies, Inc., San Francisco, Calif.

GAS MASKS

Protexall gas mask assembly with 2 canisters and full-view facepiece, for protection against acid gases, organic vapors, ammonia, carbon monoxide, and toxic smoke (Catalog Part No. 4M1914) (Bureau of Mines approval No. 1434; consisting of BM–1434 canister, BM–1403, BM–1403E, BM–1901, or BM–1901E facepiece, and BM–1403, or BM–1409 canister harness), manufactured by American-LaFrance Foamite Corp., Elmira, N. Y.

LaFrance ammonia gas mask with Type DA canister, for protection against ammonia vapors only (Catalog Part No. 4M1770 and Part No. 4M908) (Bureau of Mines approval No. 1401; consisting of BM–1401C canister, BM–1401, BM–1403, or BM–1403E facepiece, and BM–1401 canister harness), manufactured by American-LaFrance Foamite Corp., Elmira, N. Y.

LIFESAVING NET

Safety life net, debarkation ladder, 40′ or longer, Model "AA1" (Dwg. designed 5 April, 1943, revised 15 June, 1943), submitted by Everlast Metal Products Corp., New York, N. Y.

PORTABLE ELECTRIC MEGAPHONE

Taybern Type TPM–4 portable electric megaphone with amplifier (Dwg. No. T–112, dated 16 May, 1943, and specification #M–100, dated 7 October, 1943), submitted by Taybern Equipment Company, Inc., New York, N. Y.

R. R. WAESCHE,
Commandant.

NOVEMBER 4, 1943.

[F. R. Doc. 43–17918; Filed, November 5, 1943; 9:27 a. m.]

Notices

WAR DEPARTMENT.

[Royalty Adjustment Order W–4]

SOCIETÉ FRANÇAISE HISPANO-SUIZA, ET AL.

DETERMINATION OF CERTAIN ROYALTIES

In the matter of: Societé Française Hispano-Suiza, c/o Maurice Heurteux, Attorney, Cambridge Apartments, Wisscrhickon Avenue and Schoolhouse Lane, Philadelpia, Pa.; Maurice Heurteux, Attorney for Societé Française Hispano-Suiza, Cambridge Apartments, Wisscrhickon Avenue and School house Lane, Philadelphia, Pa.; Alien Property Custodian, Attention: Mr. Howland H. Sargent, Chief, Division of Patent Administration, Washington, D. C.; Mr. Maurice Partiot, 230 Park Avenue, New York, New York (claiming an interest in the patents), Licensors; and Fairchild Engine and Airplane Corporation, Farmingdale, Long Island, N. Y., Licensee.

War Department Contracts Nos.: W535–ac–802, W535–ac–15613, W535–ac–18596, W535–ac–19039, W535–ac–21053, W535–ac–24191, W535–ac–24644.

Contractor: Fairchild Engine and Airplane Corporation, Farmingdale, Long Island, N. Y.

Whereas pursuant to authority contained in the Act of October 31, 1942, c. 634; 35 U. S. C., secs. 89–96, written notice was given on or about the 19 May 1943 to Societe Francaise Hispano-Suiza, % Maurice Heurteux, Attorney and Maurice Heurteux, Attorney for Societe Francaise Hispano-Suiza and Alien Property Custodian and Mr. Maurice Partiot (claiming an interest in the patents) (individually and collectively hereinafter called "licensor") and to the Fairchild Engine and Airplane Corporation (hereinafter called "licensee") that the rates or amounts of royalties, provision for the payment of which by licensee to licensor is included in the license or licenses specified in Column 4 of Schedule A annexed hereto and by this reference made a part hereof, and which said royalties are directly or indirectly charged or chargeable to the War Department for or on account of the manufacture, use, sale or other disposition for the United States of certain alleged inventions specified in Columns 1, 2 and 3 of said Schedule A, were believed to be unreasonable or excessive taking into account the conditions of wartime production and other pertinent facts and circumstances, and that until the making of an order herein no royalties were to be paid by licensee to licensor under the license above referred to which is chargeable directly or indirectly to the War Department, and

Whereas licensee, upon its request, has presented in writing and in person such facts and circumstances as it desired having a bearing upon the rates or amounts of royalties to be determined, fixed and specified by order pursuant to said Act;

Now, therefore, pursuant to the authority of and for the purposes set forth in said Act, and upon taking into account the facts and circumstances presented as aforesaid, the conditions of wartime production, and such other facts and circumstances as are proper to be considered in determining a fair and just rate or amount of royalties in the premises, *It is hereby ordered as follows,* viz:

(1) That fair and just rates or amounts of royalties for the manufacture, use, sale or other disposition for the War Department of the alleged inventions specified in Columns 1, 2 and 3 of said Schedule A are hereby determined, fixed and specified to be the rates or amounts, if any, set forth in Column 5 of said Schedule A;

(2) That, until further order, licensee is hereby authorized to pay to licensor, on account of any manufacture, use, sale or other disposition of said alleged inventions for the War Department occurring while sections 1 and 2 of said Act remain in force, royalties, if any, at the rates or in the amounts determined, fixed and specified in paragraph (1) hereof, and no more, under

(a) The licenses identified in Column 4 of said Schedule A, and

(b) Any license between them, entered into on or after the effective date of said notice and so long as sections 1 and 2 of said Act remain in force, which in any respect continues, supplements, modifies or supersedes any of the licenses referred to in subparagraph (a) hereof, and

(c) Any license between them, entered into on or after the effective date of said notice and prior to the date of this order, which grants rights to practice the alleged inventions specified in Columns 1, 2 and 3 of said Schedule A;

(3) That licensee is hereby directed to pay over to the Treasurer of the United States (through the Royalty Adjustment Board, Army Air Forces, Wright Field, Dayton, Ohio) the balance, in excess of the payments authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to licensor and were unpaid on the effective date of said Notice, or since said date have become due to licensor, for or on account of any manufacture, use, sale or other disposition of said alleged inventions for the War Department occurring while sections 1 and 2 of said Act remain in force; and demand is hereby made for payment forthwith of so much of said balance as is now due to licensor;

(4) That, to the extent necessary to secure to the Government the full benefit of the reduction in royalties effected by this order, licensee is hereby directed to reduce the contract price of all supplies, equipment, materials and parts thereof manufactured under the licenses referred to in paragraph (2) hereof while sections 1 and 2 of said Act remain in force (i) which have been or may hereafter be delivered by licensee to or for the War Department or to any contractor or subcontractor for the War Department and (ii) for which licensee has not on the date of this order received payment; and

(5) That reservation is hereby expressly made of the right to amend, modify, revoke or extend this order as changed conditions may warrant, and of the right of the head of any department or agency of the Government, including but not limited to the War Department, to take such other, further and different action as may be authorized by any statute of the United States with respect to the licenses referred to in paragraph (2) hereof or any other license which includes provisions for the payment of royalties directly or indirectly chargeable to the Government for or on account of the manufacture, use, sale or other disposition for the United States of the alleged inventions specified in Columns 1, 2 and 3 of said Schedule A, and with respect to any Government contract or subcontract additional to the contracts if any identified at the head of this order.

It is recommended that the Secretary of War make the foregoing order.

Royalty Adjustment Board, Army Air Forces, Matériel Command, Wright Field, Dayton, Ohio.

By J. C. BURTON,
Lieutenant Colonel, J. A. G. D.,
Chairman.

CHARLES R. FENWICK,
Major, J. A. G. D.,
Member.

H. W. KACHEL,
Captain, A. C.,
Member.

The foregoing order is hereby made.

CHAS. E. BRANSHAW,
Major General,
Commanding General,
Matériel Command.

The foregoing order is hereby approved in behalf of the Secretary of War.

By direction of the Under Secretary of War:

ALBERT J. BROWNING,
Brigadier General,
General Staff Corps,
Director, Purchases Division,
Headquarters, Army Service Forces.

OCTOBER 27, 1943.

SCHEDULE A

Column 1	Column 2	Column 3	Column 4				Column 5	
Title or short description of invention	U. S. Patent No.	Application Serial No.	Instrument in which royalty stipulated				Fair and just royalty	
			Executed	Date Rec'd U. S. Pat. Off.	Liber	Page	Rate	Amount
Improvement in aircraft and/or structural elements in or relating to aircraft.	2,079,227; Re 20,773; 2,202,967.	----------	March 11, 1940.	----------	-------	-------	-------	[1] $0.75 [2] $1.80

[1] 6-cylinder engine.
[2] 12-cylinder engine.

[F. R. Doc. 43-17901; Filed, November 4, 1943; 4:15 p. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

BOISE PROJECT, IDAHO

PARTIAL REVOCATION OF WITHDRAWAL

OCTOBER 14, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Boise project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat., 388) by departmental order of June 23, 1943, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

BOISE PROJECT

BOISE MERIDIAN, IDAHO

T. 7 N., R. 5 W.,
Sec. 27, SE¼SW¼.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: October 19, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

OCTOBER 25, 1943.

[F. R. Doc. 43-17962; Filed, November 5, 1943; 11:44 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 837]

HAWAIIAN AIRLINES, LTD.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Hawaiian Airlines, Limited, over Route No. 33.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on November 10, 1943, at 10 a. m. (eastern war time) in Room 1851 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Vincent L. Gingerich.

Dated Washington, D. C., November 3, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 43-17924; Filed, November 5, 1943; 10:21 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-504]

CONSOLIDATED GAS UTILITIES CORPORATION

NOTICE OF APPLICATION

NOVEMBER 3, 1943.

Notice is hereby given that on October 28, 1943, an application was filed by the Consolidated Gas Utilities Corporation of Oklahoma City, Oklahoma with the Federal Power Commission for a temporary, and a permanent certificate of public convenience and necessity seeking authority, under section 7 (c) of the Natural Gas Act, to construct approximately 2,985 feet of 8⅝-inch O. D. gas pipe line to replace 4,600 feet of 6⅝-inch O. D. gas pipe line for the purpose of increasig the delivery capacity of applicant's main gas transmission pipe line, having as its termini Wheeler County, Texas and Lyons, Kansas. The pipe line to be installed will begin at a connection with the applicant's previously installed 8⅝-inch gas pipe line, approximately 350 feet West of the Northeast corner of the Northwest Quarter of Section 14, Township 27 North, Range 3 West, Grant County, Oklahoma, and extend in an Easterly direction 2,985 feet to a point of connection with applicant's 8⅝-inch gas pipe line located in the Northeast corner of Section 14, Township 27 North, Range 3 West, Grant County, Oklahoma.

Applicant, under its application, also requests authority pursuant to the provisions of section 7 (b) of the Natural Gas Act for permission to remove approximately 4,600 feet of 6⅝-inch O. D. gas pipe line, commencing at a connection with applicant's previously installed 8⅝-inch gas pipe line in the Northeast Quarter of Southwest Quarter of Section 14, Township 27 North, Range 3 West, and extending in a Northeasterly direction a distance of 4,600 feet to the point of connection with applicant's previously installed 8⅝-inch gas pipe line located in the Northeast corner of Section 14, Township 27 North, Range 3 West, Grant County, Oklahoma.

Applicant further states that no customers are served from the 6⅝-inch line which it requests permission to remove and that the new 8⅝-inch pipe line will facilitate the delivery of gas in larger quantities than is now possible through the existing 6⅝-inch gas pipe line which it proposes to remove.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 19th day of November, 1943, file with the Federal Power Commission a petition or protest, in accordance with the Commission's practice, and its rules and regulations.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-17692; Filed, November 4, 1943; 2:44 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit]

TRANSPORTATION OF PERISHABLES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A on perishables as defined therein subject to Rules S-12 (Items Nos. 8180 through 8330) and Rule S-13 (Item No. 8335) of Agent W. S. Curlett's I. C. C. No. A-788, Lighterage and Terminal Regulations in New York Harbor and Vicinity, supplements thereto and reissues thereof.

This permit shall become effective at 12:01 a. m., November 5, 1943.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of November 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-17945; Filed, November 5, 1943; 11:13 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 818]

PATENTS OF GERMAN AND FRENCH COMPANIES

Re: Interests of German and French companies in contracts relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Kalle & Co., A. G. and I. G. Farbenindustrie, A. G. are companies organized under the laws of and having their principal places of business in Germany, and are nationals of a foreign country (Germany);

2. Finding that Le Film Ozaphane, S. A., Cinoza, S. A. and La Cellophane, S. A., are companies organized under the laws of and having their principal places of business in France, and are nationals of a foreign country (France);

3. Finding that the companies hereinbefore mentioned in subparagraphs 1 and 2 have interests in the contracts hereinafter identified in subparagraph 4;

4. Finding that the property described as follows:

a. All right, title and interest of Kalle & Co., A. G., I. G. Farbenindustrie, A. G., Le Film Ozaphane, S. A., Cinoza, S. A. and La Cellophane, S. A., and each of them, and of such of their successors, assigns and affiliates as are nationals of foreign countries, in, to and under a contract relating to patents, dated October 15, 1938 by and between Le Film Ozaphane, S. A., Cinoza, S. A., La Cellophane, S. A., Kalle & Co., A. G. and Ozaphane Corporation of America, and all accrued royalties and other monies payable or held with respect to said interests, and all damages for breach of said contract together with the right to sue therefor; and

b. All right, title and interest of Kalle & Co., A. G., I. G. Farbenindustrie, A. G., Le Film Ozaphane, S. A., Cinoza, S. A. and La Cellophane, S. A., and each of them, and of such of their successors, assigns and affiliates as are nationals of foreign countries, in, to and under a contract relating to patents, dated January 16, 1940, by and between Ozaphane Corporation of America and Ozalid Corporation, subject to and including all amendments and interpretations thereof and supplements thereto, including, but not by way of limitation, letter dated January 16, 1940 to Ozaphane Corporation of America, signed by W. H. Duisberg and Werner Hutz, and letter dated January 16, 1940 from Ozalid Corporation to Ozaphane Corporation of America, bearing the acceptance by endorsement of Ozaphane Corporation of America, and all accrued royalties and other monies payable or held with respect to said interests, and all damages for breach of said contract together with the right to sue therefor;

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Germany and France);

5. Having made all determinations and taken all action, after apropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on February 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17930; Filed, November 5, 1943; 10:54 a. m.]

[Vesting Order 1651]

A. V. DEVELOPMENT CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Having found in Vesting Order Number 1640 of June 10, 1943, that German American Bund, an unincorporated association, with its principal office in New York, New York, is a business enterprise within the United States and is a national of a designated enemy country (Germany);

2. Finding that A. V. Development Co., Inc. is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

3. Finding that all of the issued and outstanding shares of capital stock of A. V. Development Co., Inc., consisting of 30 shares of common stock without par value, are registered in the names of the persons listed below in the number appearing opposite each name, and are beneficially owned by German American Bund and are evidence of ownership and control of A. V. Development Co., Inc.

Names:	*Number of shares*
G. Wilhelm Kunze	28
August Klapprott	½
Willie Luedtke	½
Gustav J. Elmer	1
Total	30

4. Finding that A. V. Development Co., Inc. is controlled by and acts for or on behalf of a designated enemy country (Germany) or a national thereof;

5. Determining, therefore, that A. V. Development Co., Inc. is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

Hereby (i) vests the Alien Property Custodian the 30 shares of stock of A. V. Development Co., Inc. described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17931; Filed, November 5, 1943; 10:54 a. m.]

[Vesting Order 1988]

INTEREST IN REAL PROPERTY OWNED BY GUIDO QUILICI

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Guido Quilici is Marlia, Lucca, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Guido Quilici is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

The undivided one-half interest, identified as the remaining interest of Guido Quilici in the real property conveyed to him by Carlo Martini by deed executed December 1, 1930, in and to the real property situated in Ormsby County, Nevada, particularly described as Lots 1, 2, and 3, in Block 41, in Sears, Thompson & Sears' Division of Carson City, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such interest,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not wihin a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17932; Filed, November 5, 1943; 10:54 a. m.]

[Vesting Order 2033]

INTEREST IN REAL PROPERTY OWNED BY OLGA VON HORN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Olga von Horn is a citizen of Germany, whose last known address was 1 Boulevard Suchet, Paris, France, and is a resident of an enemy-occupied country (France), and is a national of a designated enemy country (Germany);

2. That said Olga von Horn is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

The undivided one-sixth interest, title to which is held by the Cleveland Trust Company, as agent for Olga von Horn, pursuant to a title agreement executed October 14, 1929, in and to the real property situated in Cleveland, Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such interest,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that tract or parcel of land situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being part of original Two Acre Lot No. 85, and bounded and described as follows:

Beginning on the North Easterly line of Ontario Street, 148 feet South Easterly (measured along said North Easterly line of Ontario Street) from the North Westerly corner of said original Two Acre Lot No. 85, and at the North Westerly corner of land conveyed by John Perry and Phebe W. Perry, his wife, to Sherlock J. Andrews and others by deed dated June 25, 1842, and recorded in Volume 31, Page 424 of Cuyahoga County Records; thence South Easterly along said North Easterly line of Ontario Street, 39 feet; thence North Easterly at right angles with said North Easterly line of Ontario Street, about 132 feet to the North Easterly line of said original Two Acre Lot No. 85; thence North Westerly along the North Easterly line of said original Two Acre Lot No. 85, which is also the center line of First Street, S. E., 39 feet to the North Westerly line of land so conveyed to said Sherlock J. Andrews and others; thence South Westerly along said North Westerly line of land so conveyed to said Sherlock J. Andrews and others, about 132 feet to the place of beginning, be the same more or less, but subject to all legal highways, with improvements thereon.

[F. R. Doc. 43–17933; Filed, November 5, 1943; 10:54 a. m.]

[Vesting Order 2034]

REAL AND PERSONAL PROPERTY OF GUISEPPE MARZULLE

Re: Real property and bank account owned by Guiseppe Marzulle, also known as George Mazula, and Rosaire Marzulle, also known as Joe Mazula.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of both Guiseppe Marzulle, also known as George Mazula, and Rosaire Marzulle, also known as Joe Mazula, is Via Turrisi No. 6, Castelbuono (Palermo), Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

2. That Guiseppe Marzulle, also known as George Mazula, and Rosaire Marzulle, also known as Joe Mazula, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Shelby County, Tennessee, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of Guiseppe Marzulle, also known as George Mazula, and Rosaire Mazulle, also known as Joe Mazula, in and to the sum of $500.00, constituting a portion of a certain bank account in the North Memphis Branch, Union Planters National Bank and Trust Company, Memphis, Tennessee, maintained in the name of Mazula Brothers, which is due and owing to Guiseppe Marzulle, also known as George Mazula, and Rosaire Mazulle, also known as Joe Mazula, including, but not limited to, all security rights in and to any and all collateral for any or all of such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that the property described in subparagraph 3–b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a above) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

A parcel of land in the City of Memphis, County of Shelby and State of Tennessee, being the south 37½ feet of Lot 124 on the plan of Memphis, as shown in Plat Book 3 page 113 in the Register's Office of said

County, and particularly described as beginning at a point in the west line of North Main Street 74¼ feet northwardly from the north line of Washington Street as measured along said west line of North Main Street; running thence northwardly with the west line of Main Street 37 feet and 1½ inches to a chisel mark in sidewalk, the north edge of building on this lot; thence west parallel with Washington Street 148.5 feet to the east line of North Center Lane; thence south with the east line of North Center Lane 37 feet and 1½ inches; thence east 148.5 feet to the point of beginning.

[F. R. Doc. 43-17934; Filed, November 5, 1943; 10:55 a. m.]

[Vesting Order 2050]

PERSONAL PROPERTY AND BANK ACCOUNT OWNED BY PIAGGIO AND C., S. A.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Piaggio and C., S. A., is a corporation organized under the laws of Italy with its principal place of business at Genoa, Italy, and that it is a national of a designated enemy country (Italy);

2. That Piaggio and C., S. A., is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Twenty thousand six hundred forty-two (20,642) pounds of steel bars contained in 52 cases owned by Piaggio and C., S. A., stored in the name of Luigi Serra, Inc., in the warehouse of Mid-Hudson Warehouse, Inc., located at 29 Pavonia Avenue, Jersey City, New Jersey, and

b. All right, title, interest and claim of Piaggio and C., S. A., in and to the sum of $100.00, constituting a portion of a certain bank account in the Manufacturers Trust Company, 149 Broadway, New York, New York, which is due and owing to, and held for Piaggio and C., S. A., and in the name of Luigi Serra, Inc., as agent, and is designated as "Luigi Serra, Inc., Special—Piaggio and C., S. A., Genoa, Italy, account", including but not limited to all security rights in and to any and all collateral for all of such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-b above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 1, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17935; Filed, November 5, 1943; 10:55 a. m.]

[Vesting Order 2082]

REAL PROPERTY OWNED BY VERA VON WERTHERN

Re: Interest in real property located in Cleveland, Ohio, owned by Vera von Werthern.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Vera von Werthern is a resident of Germany, whose last known address is Luisenstrasse 17A, Naumberg, Saale, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Vera von Werthern is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

An undivided one-sixth interest in the real property situated in Cleveland, Cuyahoga County, Ohio, particularly described in Exhibit A, attached hereto and made a part hereof, record title to which is held by the Cleveland Trust Company for Vera von Werthern, together with all the fixtures, improvements and appurtenances thereto, and any and all claims of Vera von Werthern, and of every other national of a designated enemy country, for rents, refunds, benefits or other payments arising from the ownership of the said one-sixth interest in such property,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17936; Filed, November 5, 1943; 10:55 a. m.]

[Vesting Order 2086]

REAL AND PERSONAL PROPERTY OF JOSEPH V. IOVINE

Re: Real property and bank account owned by Joseph V. Iovine, also known as Giuseppe V. Iovine.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Joseph V. Iovine, otherwise known as Giuseppe V. Iovine, is Via Circonvallazione-Vibo Valentia, Prov. Catanzaro, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That the said Joseph V. Iovine is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

Two parcels of real property situated in New Haven, Connecticut, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with

all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

First parcel. A certain piece or parcel of land with all the buildings and improvements thereon, situated in New Haven, Connecticut, and bounded:

Southerly by Rosette Street, sixty feet, more or less; Easterly by land now or formerly of John Kenyon, eighty-two and 5/6ths feet, more or less; Northerly by land now or formerly of Timothy Eagan, twenty-one and 5/6ths feet, more or less; Northwesterly by land now or formerly of said Timothy Eagan, fifty-six and one one-half feet, more or less; and Westerly by Morris Street, forty-seven and 3/4ths feet, more or less.

Second parcel. That certain lot or parcel of land with all the buildings and improvements thereon, situated in the city of New Haven, state of Connecticut, and bounded: Southeast by Washington Avenue, 61 feet, more or less; Southwest by Morris Street, 100 feet, more or less; Northwest by land formerly of the Estate of Truman Alling, more lately of Pasquale Civitillo, 61 feet, more or less; and Northeast by land formerly of George Guy Willis, more lately of Joseph Ferraiolo and Stella Ferraiio, 100 feet, more or less.

[F. R. Doc. 43–17937; Filed, November 5, 1943; 10:55 a. m.]

[Vesting Order 2104]

REAL AND PERSONAL PROPERTY OF SADAICHI IWAMOTO AND M. IWAMOTO

Re: First mortgage on real property located in Multnomah County, Oregon, and a bank account owned by Sadaichi Iwamoto and M. Iwamoto, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Sadaichi Iwamoto and M. Iwamoto, his wife, is Osakimura Kaiso-Gun, Wakayama-Ken, Japan, and that they are residents of Japan and are nationals of a designted enemy country (Japan);

2. That the said Sadaichi Iwamoto and M. Iwamoto, his wife, and each of them, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A certain mortgage executed by Haruo Kato and Yukiye Urata Kato, his wife, as mortgagors, in favor of Sadaichi Iwamoto and M. Iwamoto, his wife, as mortgagees, on September 26, 1940, and recorded on September 26, 1940 in the Office of the Clerk of Multnomah County, Oregon, in Book 568 of Mortgages at page 580, and any and all obligations secured by said mortgage, including but not limited to any and all security rights in and to any and all collateral (including the aforementioned mortgage) for any and all of such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

b. All right, title, interest and claim of Sadaichi Iwamoto and M. Iwamoto, his wife, and each of them, in and to the sum of $500.00, constituting a portion of a certain bank account in the Trust Department of the First National Bank of Portland, Portland, Oregon, which is due and owing to and held for and in the name of Sadaichi Iwamoto and M. Iwamoto, his wife,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraph 3–b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., September 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17939; Filed, November 5, 1943; 10:56 a. m.]

[Vesting Order 2385]

ESTATE OF EUGENIO DENTONI

In re: Estate of Eugenio Dentoni, deceased; File D–38–726; E. T. sec. 7088.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Antone Vattuoni, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy; namely,

National and Last Known Address

Rosa Dentoni, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Or-

der or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Rosa Dentoni in and to the Estate of Eugenio Dentoni, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17940; Filed, November 5, 1943; 10:56 a. m.]

[Vesting Order 2401]

PATENT OF TORBJORN LINGA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Torbjorn Linga is a citizen and resident of Norway and is a national of a foreign country (Norway);

2. That the property described in subparagraph 3 hereof is property of Torbjorn Linga;

3. That the property described as follows: All right, title and interest, including all royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent number 2,268,836; date of issue, 1642; inventor, Torbjorn Linga; and title, motor vehicle accessory.

is property of a national of a foreign country (Norway);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 16, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17941; Filed, November 5, 1943; 10:57 a. m.]

[Vesting Order 1323, Amdt.]

MONTE AMIATA SOCIETA ANONIMA MINERARIA

In re: Claim of Monte Amiata Societa Anonima Mineraria for compensation for certain steel mercury flasks.

Vesting Order 1323, dated April 22, 1943 (8 F.R. 8569), is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Monte Amiata Societa Anonima Mineraria is a corporation organized under the laws of Italy, with its principal place of business in Rome, Italy, and is a national of a designated enemy country (Italy);

2. That Monte Amiata Societa Anonima Mineraria was the owner of the 16,326 steel mercury flasks described in subparagraph 4 hereof at the time of their requisitioning by the War Production Board on August 17, 1942 pursuant to Requisition No. 96;

3. That Monte Amiata Societa Anonima Mineraria is the owner of the property described in subparagraph 4 hereof;

4. That the property described as follows: The claim of Monte Amiata Societa Anonima Mineraria for fair and just compensation arising out of the requisitioning by the War Production Board of approximately 16,326 steel mercury flasks pursuant to Requisition No. 96, dated August 17, 1942.

is property which is in condemnation or other similar proceedings and which is payable or deliverable to, or claimed by, a national of a designated enemy country, and is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action after appropriate consultation and certification required by law and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17942; Filed, November 5, 1943; 10:57 a. m.]

[Vesting Order 1696, Amdt.]

ALFA-ROMEO, S. A.

In re: Claim of Alfa-Romeo, S. A., for fair and just compensation, arising by reason of the requisitioning by the War Production Board of 1,070,640 pounds of steel billets.

Vesting Order Number 1696, dated June 19, 1943 (8 F.R. 10033), is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Alfa-Romeo, S. A., is a corporation organized under the laws of Italy, with its principal place of business at 33, Via M. U. Traiano, Milano, Italy, and is a national of a designated enemy country (Italy);

2. That the steel billets described in subparagraph 4 hereof were owned by Alfa-

Romeo, S. A., at the time of their requisitioning by the War Production Board on October 6, 1942;

3. That Alfa-Romeo, S. A., is the owner of the property described in subparagraph 4 hereof;

4. That the property described as follows:

The claim of Alfa-Romeo, S. A., for fair and just compensation arising by reason of the requisitioning by the War Production Board of 1,070,640 pounds of steel billets, pursuant to Requisition No. 297, dated October 6, 1942.

is property which is in condemnation or other similar proceedings and which is payable or deliverable to, or claimed by, a national of a designated enemy country, and is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17943; Filed, November 5, 1943; 10:57 a. m.]

[Vesting Order 1697, Amdt..]

"CORRADO" SOCIETA ANONIMA DI NAVIGAZIONE

In re: Claim of "Corrado" Societa Anonima di Navigazione for just compensation arising out of the requisitioning by the United States Maritime Commission of the S. S. Dino, a vessel owned by "Corrado" Societa Anonima di Navigazione.

Vesting Order Number 1697, dated June 19, 1943 (8 F. R. 10033), is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That "Corrado" Societa Anonima di Navigazione is a business enterprise organized under the laws of the Kingdom of Italy with its principal place of business at Salita S. Nicolosio 1–10, Genoa, Italy, and is a national of a designated enemy country (Italy);

2. That the S. S. Dino, including all tackle, apparel, furniture, spare parts, gear and equipment, and all stores and supplies, including fuel aboard the said S. S. Dino, was owned by "Corrado" Societa Anonima di Navigazione at the time of its requisitioning by the United States Maritime Commission;

3. That "Corrado" Societa Anonima di Navigazione is the owner of the property described in subparagraph 4 hereof;

4. That the property described as follows:

The claim of "Corrado" Societa Anonima di Navigazione for fair and just compensation arising out of the requisitioning by the United States Maritime Commission of title to and possession of, the S. S. Dino, including all tackle, apparel, furniture, spare parts, gear and equipment, and all stores and supplies, including fuel aboard the said S. S. Dino,

is property which is in libel or other similar proceedings and which is payable or deliverable to, or claimed by, a national of a designated enemy country, and is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action after appropriate consultation and certification required by law and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 3, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–17944; Filed, November 5, 1943; 10:57 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Revised–96]

SANTA FE TRAIL TRANSPORTATION CO. AND ESAU TRUCK LINE

COORDINATED OPERATIONS BETWEEN POINTS IN KANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Santa Fe Trail Transportation Company, a corporation, Wichita, Kansas, and A. M. Esau, doing business as Esau Truck Line, Hutchinson, Kansas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

---

[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582.

[2] Filed as part of the original document.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–96," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 9, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–17921; Filed, November 5, 1943; 10:09 a. m.]

[Supp. Order ODT 3, Revised–97]

THE SANTA FE TRAIL TRANSPORTATION CO. AND TRI-STATE MOTOR TRANSPORT, INC.

COORDINATED OPERATIONS BETWEEN JOPLIN, MISSOURI, AND POINTS IN KANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by The Santa Fe Trail Transportation Company, a corporation, Wichita, Kansas, and Tri-State Motor Transport, Inc., Joplin, Missouri, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–97," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 9, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–17922; Filed, November 5, 1943; 10:09 a. m.]

[Supp. Order ODT 3, Revised–98]

HEALZER CARTAGE CO. AND THE SANTA FE TRAIL TRANSPORTATION CO.

COORDINATED OPERATIONS BETWEEN POINTS IN KANSAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by J. W. Healzer, doing business as Healzer Cartage Company, Hutchinson, Kansas, and The Santa Fe Trail Transportation Company, a corporation, Wichita, Kansas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs, or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special per-

[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582.

[2] Filed as part of the original document.

mission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-98," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 9, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 5th day of November 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-17923; Filed, November 5, 1943; 10:09 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. General Order 32, Amdt. 8]

DELEGATION OF AUTHORITY REGARDING ASH AND GARBAGE CANS

A new subparagraph (7) of paragraph (a) is added to read as follows:

(7) Establish specific maximum prices for sales of ash and garbage cans at wholesale and at retail pursuant to section 6.27 of Revised Supplementary Regulation No. 14.

This amendment shall become effective November 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328 8 F.R. 4681)

Issued this 4th day of November 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-17916; Filed, November 4, 1943; 4:47 p. m.]

WILLMARK SERVICE SYSTEM, INC., AND DALE SYSTEM, INCORPORATED

AUTHORIZATION OF PURCHASES

Second Revised Administrative Exception Orders No. 1 and 2 under General Ration Order 6, 2d Revised Administrative Exception Order No. 1 under Ration Order 13, 2d Revised Administrative Exception Order No. 3 under Ration Order 16 and Administrative Exception Order No. 1 under General Ration Order 12 are revised and amended, and a new Administrative Exception Order No. 1 under General Ration Order 14 is issued, to read as follows:

The Willmark Service System, Inc., and Dale System, Incorporated, are business enterprises engaged in rendering services to clients, consisting principally of owners of retail stores, to test the efficiency and honesty of the client's salesclerks. The method used involves the making of a complete purchase of an article and observing the actions of the salesclerk in the course of the transaction. The article purchased is later returned to the owner of the store for refund, at the same or another establishment of the client in a way to prevent revealing to the client's employees the identity of the individual making the test. Each of these corporations, through their employees, normally make a substantial number of test purchases of processed food and foods covered by Ration Order 16 each year. They request authority to secure ration currency to enable them to continue to make test purchases of such foods in the course of their business.

The granting of the request in these and all similar cases would not defeat or impair the effectiveness or the policy of the Ration Order because it would not increase the quantity of processed foods withdrawn from civilian supply.

It is hereby ordered, That the applicants Willmark Service System, Inc., of 250 West 57th Street, New York, N. Y., and Dale System, Incorporated, of 1776 Broadway, New York, N. Y., are authorized to receive from the Office of the Executive Officer for Rationing, Office of Price Administration, Washington, D. C., War Ration Books Two, Three and Four which their employees may use to make purchases of processed foods and foods covered by Ration Order 16[1] in the manner otherwise permitted by Ration Orders 13[2] and 16 respectively. They must each open a processed foods ration bank account and a meat and fats ration bank account at a bank in which they have dollar checking accounts, in accordance with the provisions of Revised General Ration Order 3A.[3]

Each applicant must comply with the following requirements:

As soon as practicable after making a purchase of foods covered by Ration Orders 13 or 16 the applicant shall return the foods to the client from whom the rationed commodity was purchased. Upon the return of the foods, the client shall issue to the applicant a ration check drawn on its appropriate bank account, for the points represented by the stamps given for the foods so returned. The applicant shall deposit in its processed foods ration bank account all such ration checks received upon the return of processed foods to the client, and shall deposit in its meat and fats ration bank account all such ration checks received upon the return of foods covered by Ration Order 16 to the client. The applicant shall not use the War Ration Books Two, Three or Four issued to it under this order to acquire processed foods or foods covered by Ration Order 16 from anyone who does not have a ration bank account under the ration order covering the particular food acquired. At or before the end of each calendar month the applicant shall deposit in its appropriate ration bank account all unused processed foods and meat and fats stamps which expired during that month. Between the 1st and 10th days of each month, the applicant must issue and send to the Executive Officer for Rationing, Office of Price Administration, Washington, D. C., a certified ration check, drawn on the appropriate ration bank account, equal in value to the points provided by unused processed foods or meat and fats stamps which it was required to deposit during the previous calendar month plus the point value of all processed foods or meat and fats which it was required to return to its clients during that month. The applicants and each of their clients shall keep complete records of the transactions entered into under these orders and the records shall show separately with respect to processed foods and foods covered by Ration Order 16, the points received, the foods purchased and returned, the ration checks issued, and the date of each transaction. No stamps in War Ration Book Three or Four, other than those which have been or shall be made valid for the purchase of processed foods or foods covered by Ration Order 16 shall be used by the applicant. Those stamps which may not be used for the acquisition of any rationed product shall be retained in the War Ration Book Three or in War Ration Book Four, as the case may be, and must be returned to the Office of Price Administration on demand. Those which may be used to acquire a rationed product other

[1] 8 F.R. 13128, 13394, 13980.

[2] 8 F.R. 11048, 11383, 11483, 11563, 11513, 11753, 11812, 12026, 12297, 12543, 12560, 12693, 13341, 13390, 13394, 14010, 14138.

[3] 8 F.R. 1669, 13738.

than foods covered by Ration Orders 13 and 16 shall, if they have already been validated, or, if not, as soon as they are validated, be deposited in a ration bank account for that product which the applicant must open. Between the 1st and 10th days of each month, the applicant must issue and send to the Executive Officer for Rationing a certified ration check drawn against each such account equal in value to the points provided by the stamps required to be deposited in such account during the preceding month.

It is hereby further ordered, That any other person similarly situated may be authorized on similar conditions to open ration bank accounts and to be issued War Ration Books Two, Three and Four. Such authority may be granted in writing by the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C.

This order shall become effective November 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive No. 1, 7 F.R. 562, and Supplementary Directive)

Issued this 4th day of November 1943.

COLONEL BRYAN HOUSTON,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 43-17917; Filed, November 4, 1943; 4:46 p. m.]

Regional and District Office Orders.

[Region V, Order G-2 Under MPR 329]

MILK IN DALLAS REGIONAL AREA

Revised Order No. G-2 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk. Modification of prices in Region V.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Regional Administrator of Region V of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329 and the amendments thereto, this Revised Order No. G-2 under Maximum Price Regulation No. 329 is issued:

(a) Any purchaser of milk located in Region V of the Office of Price Administration whose purchases of milk are regulated by Maximum Price Regulation No. 329, shall, after the effective date of this order, be permitted to determine his maximum prices in either one of the following manners:

(1) Take the maximum price for the particular purchase arrived at in accordance with the provisions of Maximum Price Regulation No. 329; or

(2) If you were purchasing milk from the particular producer during the 90 day period preceding July 12, 1943:

(i) Take the dollars and cents price for the "appropriate area" found in Table A of this order. The prices set forth in Table A are per hundred weight, 4% butterfat test, delivered to the purchaser's plant. The "appropriate area" as used in this section is that area as defined in the "Dallas Regional Milk Order" wherein you sell 50% or more of the approved fluid milk which you sell in containers of one gallon or less. In determining in what area you sell 50% or more of your approved fluid milk in containers of one gallon or less, do not take into consideration such milk which you sell to the Army or Navy.

From time to time the Office of Price Administration may adjust the prices of approved fluid milk sold in containers of one gallon or less in communities located in Region V. These adjustments may change the prices so that although the particular community may be defined as being in one area in the "Dallas Regional Milk Order," the prices provided for the community by the adjustment will be those provided by the "Dallas Regional Milk Order" for another area. Whenever this happens, in determining the "appropriate area" under this section of this order, any community for which prices have been adjusted shall be considered as being in the area which has prices named in the "Dallas Regional Milk Order" that are the same as the adjusted prices.

TABLE A

	Areas A	Areas 1A	Areas 1	Areas 2A	Areas 2	Areas 3
Per cwt....	$3.95	$3.75	$3.55	$3.35	$3.15	$2.95

(ii) Prices herein provided are delivered prices and can be charged only if delivery is accepted by the purchaser at the plant for which the milk is purchased and from which plant 50% or more of the total sales of approved fluid milk are made in the "appropriate area" used as a basis for determining the price which the purchaser can pay.

(iii) If delivery is accepted at a point other than such plant, a reduction in price equivalent to the actual cost of transportation from point of delivery to such purchaser's plant must be made.

(iv) Any purchaser of milk electing to use the maximum prices provided by this subsection (2) of section (a) of this order shall adjust such maximum prices for differences in butterfat contents as follows:

(*a*) Where the butterfat test of the milk actually purchased is less than 4%, the maximum prices provided above shall be reduced by 5¢ for each 1/10 of 1% that such butterfat test is less than 4%.

(*b*) Where the butterfat test of the milk actually purchased is more than 4%, the maximum prices provided above shall be increased by 5¢, or the highest differential which the particular purchaser paid the particular producer at any time during the month of January 1943, whichever is higher, for each 1/10 of 1% that such butterfat test is more than 4%.

(3) If you did not purchase milk from the particular producer at any time during the 90-day period preceding July 12, 1943, and if the particular producer was not producing milk for distribution as approved fluid milk during that period, you may determine your price as follows:

(i) Take the maximum price prescribed for the "appropriate area" as determined under subsection (2) above.

(4) If you did not purchase milk from the particular producer at any time during the 90 day period preceding July 12, 1943, and if such producer was selling milk for distribution as approved fluid milk during that period:

(i) Take the established maximum price which any purchaser who actually purchased from that particular producer for distribution as approved fluid milk during the 90 day period preceding July 12, 1943, can pay such producer for the milk delivered to that purchaser's plant. This price shall be your maximum price for purchases from that particular producer of milk delivered to your plant: *Provided, however,* That in no event shall such maximum price exceed your maximum price prescribed for the "appropriate area" as determined under subsection (2) above. If you accept delivery of the milk at any point other than at your plant, you shall reduce the price an amount equivalent to the actual cost of transportation from the point of delivery to your plant.

(b) No purchaser electing to price under subparagraph (2), (3) or (4) of section (a) of this order shall participate in any change of customary allowances, discounts, price differentials, including, without limitation, differentials for different grades of milk, transportation charges, or other trade practices applicable to purchases made by him, unless such change results in a lower price.

(c) *Meaning of certain terms used in this order.* (1) "Purchaser" and "plant" when applied to persons selling approved fluid milk from more than one plant shall mean the particular plant for which such milk is purchased and from which plant the milk so purchased will be distributed in containers of one gallon or less as approved fluid milk.

(2) "Dallas Regional Milk Order" as used in this Revised General Order No. II means § 1499.73a (a) (1) (vi) of Supplementary Regulation No. 14A of the General Maximum Price Regulation.

(d) This order does not apply to any purchases wherein a minimum producer's price is established under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and the maximum prices for such purchases shall be determined in accordance with Maximum Price Regulation No. 329.

(e) Except as specifically provided in this order, and for the types of purchases for which specific provision is made, the provisions of Maximum Price Regulation No. 329 are in no way affected and shall continue to remain in full force and effect.

(f) This order may be revoked, amended, or corrected at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 shall apply to the terms used herein, except that where terms are used in reference to the "Dallas Regional Milk Order" the definitions contained in that order, which definitions may be found

in § 1499.73a (a) (1) (vi) (b) of Supplementary Regulation No. 14A of the General Maximum Price Regulation, shall apply to the terms used herein.

(h) This General Order No. G–2 under Maximum Price Regulation No. 329 shall become effective on the 4th day of November 1943.

(i) Order No. G–2 under Maximum Price Regulation No. 329, issued on the 12th day of March 1943, and Amendment No. 1 to Order No. G–2 under Maximum Price Regulation No. 329, issued on the 13th day of July 1943, are replaced and superseded by the provisions of this Revised Order No. G–2 under Maximum Price Regulation No. 329 when this Revised Order No. G–2 becomes effective, and said Order No. G–2 and the Amendment No. 1 thereto are hereby revoked as of the effective date of this Revised Order No. G–2: *Provided,* That nothing in this Revised Order No. G–2 under Maximum Price Regulation No. 329 shall be deemed to grant immunity to any person for any violation of Order No. G–2 or Amendment No. 1 thereto under Maximum Price Regulation No. 329 which occurred prior to the effective date of this Revised Order No. G–2.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1943.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 43–17897; Filed, November 4, 1943; 12:59 p. m.]

[Region VI Order G–8 Under RMPR 122]

COAL AND COKE IN MADISON, WIS.

Order No. G–8 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for coal and coke in Madison, Wisconsin.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified fuels made in Madison, Wisconsin. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in the Madison, Wisconsin Area or from a coal yard within Madison, Wisconsin; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G–8; but less than the maximum prices may at any time be charged, paid, or offered.

(2) obtain a higher than maximum price by

(i) charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this order.

(ii) charging a price higher than the schedule price for a service.

(iii) making a charge higher than the schedule charge authorized for the extension of credit.

(iv) using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule.* (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices per net ton for sales by direct delivery of specified sizes, kinds and quantities of solid fuels. Column 1 describes the coal for which prices are established; columns 2 and 3 show maximum gross and net prices, respectively, for sales of coal delivered in quantities less than 3 tons; columns 4 and 5 show maximum prices for deliveries in quantities of 3 tons or more. Gross prices may be charged if payment is not received within 10 days after delivery. No more than net prices may be charged if payment is received within 10 days after delivery.

SCHEDULE

1 description	Less than 3 tons delivered		3 tons or more delivered	
	2 gross	3 net	4 gross	5 net
I. Low volatile bituminous from District #7 (West Virginia):				
1. Egg and stove (size groups #2 and #3)	$13.85	$13.20	$13.85	$13.20
II. Hi-volatile bituminous from district #8 (West Virginia and eastern Kentucky):				
1. Domestic stoker 1¼" and smaller (size group #10)	11.80	11.25	11.30	10.80
III. Hi-volatile bituminous from district #10 (Illinois) southern subdistrict:				
1. Lump (3" and larger) and egg (6" x 3" and 3" x 2")	9.80	9.35	9.80	9.35
2. Washed or dedusted nut (stoker) 1½" in size groups #18 and #9	8.80	8.40	8.30	7.90
3. Washed nut (stoker) ¾" x 10 mesh in size group #20	8.95	8.55	8.45	8.05
IV. Pennsylvania anthracite:				
1. Egg, stove, and nut	17.55	16.70	17.55	16.70
2. Pea	15.75	15.00	15.75	15.00
3. Buckwheat	13.90	13.25	13.90	13.25
V. Byproduct coke:				
1. Egg, stove, and nut	13.95	13.25	13.95	13.25

(2) The prices provided for in the above schedule shall apply to all sales of all-rail coal and to the dock coal therein described which has been rescreened at the dock. The maximum prices for all sales by dealers for each size and kind of dock-run coal shall be $.50 per net ton lower than the maximum prices set forth in the above schedule for the same size and kind of coal which has been rescreened at the dock.

(3) The maximum prices for yard sales shall be the prices set forth in columns 3 and 4 less 75¢ a ton.

(4) The maximum prices for all sales by dealers of solid fuel not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(d) *Service charges.* The following maximum charges may be made for special services if requested by buyers and if separately stated on seller's invoice:

Carrying from curb, coal, per ton	$0.75
Carrying up or down stairs	.75
Carrying from curb, coke, per ton	1.00

(e) *Transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement.

(f) *Addition of increases in supplier's price prohibited.* Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby, to reflect such changes, are within the discretion of the Regional Administrator.

(g) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged, and separately stating any transportation tax or service charge.

(h) *Definitions and explanations.* When used in this Order No. G–8 the term,

(1) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.

(2) "Yard sales" shall mean deliveries made by the dealer at his yard.

(3) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Egg, stove, nut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.

(5) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, or by the Bituminous Coal Division of the U. S. Department of the Interior pursuant to said Act, or both, and as in effect at midnight August 23, 1943.

(6) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.

(7) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts specified herein.

(8) "Egg, stove, nut", etc., sizes of bituminous coal received entirely by rail refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

(9) "Egg, stove, nut", etc. sizes of bituminous coal received via the Great Lakes refer to the sizes of coal sold at the docks under such designations during December 1941.

(10) Except as otherwise provided herein or as the context may otherwise require, all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; or if not therein defined, they shall be given their ordinary and popular trade meaning.

(i) *Effect of order on Revised Maximum Price Regulation No. 122.* Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

(j) *Revocation and amendment.* This order may be revoked, amended or modified at any time either upon the petition of any person subject to the order or upon the motion of the Office of Price Administration.

(k) *Effective date.* This order shall be effective November 8th, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of November 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-17898; Filed, November 4, 1943; 1:00 p. m.]

[Region VII Rev. Order G-9 Under RMPR 122]

SOLID FUELS IN ROCKY FORD TRADE AREA, COLO.

Revised Order No. G-9 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered in the Rocky Ford Trade Area of the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, Order No. G-9 Under Revised Maximum Price Regulation No. 122 is redesignated Revised Order No. G-9 Under Revised Maximum Price Regulation No. 122, and revised and amended to read as follows:

(a) *What this revised order does.* If you are a dealer in first grade and/or second grade bituminous canon coal produced in Sub-districts 2 and 3 of District 17 in Fremont County, State of Colorado, you will find set forth in this revised order the maximum prices which you may charge for sales and deliveries made by you from your place of business in the Rocky Ford Trade Area; and if you are a purchaser in the course of trade or business, the prices set forth herein are the maximum prices which you may pay any coal dealer in the Rocky Ford Trade Area for the kinds, sizes and quantities of coal specified herein when purchased at a dealer's place of business in said Rocky Ford Trade Area.

(b) *Geographical applicability.* This revised order shall apply to all of the area contained within the corporate limits of the municipality of Rocky Ford, Colorado, and a distance of five miles beyond at all points, which said area is hereby designated the Rocky Ford Trade Area.

(c) *Specific maximum prices.* The maximum delivered prices for dealers in the Rocky Ford Trade Area for the kinds and sizes of coal, delivered, specified therein shall be as set forth in the following:

TABLE I

Size	First grade canon, district 17, sub-district 2	Second grade canon, district 17, sub-district 3
	Per ton	*Per ton*
6" lump	$9.25	$8.75
3" lump	9.05	8.55
6 x 1½ egg	8.40	8.15
3 x 1½ nut	8.15	8.00
1½ x 1 range	7.20	7.20
1½ x ⅜ pea	6.95	6.95
1½ x 0 slack	5.95	5.95

(d) *Yard sales.* The maximum prices set forth in Table I above are for delivered sales and the prices for yard sales shall be determined by deducting from the applicable delivered price the seller's customary allowance on yard sales.

(e) *Determination of mixed coals prices.* If you mix sizes or kinds of coal, your maximum price shall be the proportionate sum of the applicable maximum prices per net ton established in this order for each of the coals so mixed, adjusted to the nearest five cents.

(f) *When transportation tax may be collected.* If on any purchase of coal made by you, you are required to pay the the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in paragraph (c) hereof, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately on your sales invoice, slip, ticket or other memorandum, the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(g) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order all of the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, as stated in paragraph (h) of this order, shall apply to all dealers selling and delivering coal in the areas covered herein with like force and effect as though the same were rewritten herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122 and orders issued thereunder.

(h) *Filing requirements.* Dealers whose prices are established by this order shall not be required to file prices with their local war price and rationing board as previously required in § 1340.262 (c). However, prices for coals not specifically covered by this order shall be filed as required by that section.

(i) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into you shall not:

(1) Sell, or in the course of trade or business, buy solid fuels of the kinds and sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary cash discounts and allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such service; or

(v) Increasing your delivery charges, if any, for delivery outside the area for which the maximum prices are herein set forth or increasing any interest rate on

delinquent and past-due accounts over the rate or charge made by you in December 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or directly.

(j) *An increase in your supplier's prices does not authorize you to increase your prices.* You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. These specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the Regional Administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(l) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1, except that it shall be filed with the Regional Administrator and acted upon by him.

(m) *Definitions.* (1) "Carry" or "wheel-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(2) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by rehandling the same for the purpose of filling the bin.

(3) "Carrying up or down stairs" means generally the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(4) "Delivery" means delivery to the buyer's bin or storage space by dumping, chuting, or shovelling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

(5) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's coal yard or stock pile.

(6) "Dealer" means any person selling solid fuels of any kind or size for which a maximum price is established by this order for sales and deliveries made in the area covered herein and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(7) "Bituminous coal" means coal produced in District 20 and any sub-districts thereon as set forth in the minimum price schedules of the Bituminous Coal Division of the Department of the Interior and in effect as of midnight, August 23, 1943.

(n) *Licensing.* The provisions of Licensing Order No. 1 licensing all persons who make sales under price control are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not during the period of suspension make any sale for which his license has been suspended.

(o) *Right to revoke or amend.* This revised order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

(p) *Effective date.* This order shall become effective November 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 2d day of November 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-17899; Filed, November 4, 1943; 12:59 p. m.]

[Region VII Order G-17 Under MPR 122]

SOLID FUELS IN CERTAIN TRADE AREAS IN MONTANA

Order No. G-17 under Revised Maximum Price Regulation 122. Solid Fuels sold and delivered by dealers; maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Montana.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *Geographical applicability.* This order shall apply to all of the area contained within the boundaries of the several cities covered herein and as more fully described under paragraph (n) *Definitions.*

(b) *What this order does.* If you are a dealer in bituminous coal, you will find set forth in this order under Tables I to V, the maximum prices which you may charge for sales and deliveries made by you from your place of business in the specific area served; and if you are a purchaser in the course of trade or business the prices set forth herein in Tables I to V are the maximum prices which you may pay any coal dealer in the specific area covered for the kinds, sizes and quantities of coals specified in said tables when purchased in his place of business in the particular area covered.

(c) *To what sales this order applies.* If you sell coal of the kind specified herein and make delivery thereof to any person within the areas covered, the maximum price which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Tables I to V in this order.

(d) *Specific maximum prices.* (1) If you sell and deliver in the Billings Trade Area any one or more of the kinds and sizes of coal named in Part 1 of Table I set forth below, your maximum prices therefor are those specified in Part 1 of Table I; if you sell coal at your yard, your maximum prices for the kinds and sizes of bituminous coal are as set forth below in Part 2 of Table I.

TABLE I.—MAXIMUM PRICES

BILLINGS TRADE AREA

Kind	Size	Part 1—Delivered prices		Part 2—Yard prices, per ton
		Per ton	Per ½-ton	
Bituminous coal produced in district 19: Subdistrict 7, Sheridan	#2—7" lump	$7.25	$4.15	$6.25
	#3—5" lump and 10 x 3 egg	6.85	3.95	5.85
	#5—8 x 3 stove	7.05	4.05	6.05
	#8—3 x 1½ nut			
Bituminous coal produced in district 22: Subdistrict 2, Red Lodge	8" lump	8.55	4.80	7.55
	12 x 4 egg			
	8 x 4 grate			
	6 x 2 grate			
	#7—2 x 1¼ nut	6.30	3.65	5.30
	#9—1¼ x ½ pea	5.55	3.25	4.55

(2) If you sell and deliver in the Butte Trade Area any one or more of the kinds and sizes of coal named in Table II set forth below, your maximum prices therefor are those specified in Table II.

TABLE II.—DELIVERED MAXIMUM PRICES

BUTTE TRADE AREA

Kind	Size	Per ton	Per ½ ton
Bituminous coal produced in district 19:			
Subdistrict 2, Rock Springs	#1—10 x 5 grate	$11.25	$6.15
	#3—10 x 3 grate		
	#5—8 x 3 egg		
	#15—1⅝ x 0 slack	7.45	4.25
Subdistrict 5, Gebo-Kirby	#1—8" lump	12.30	6.65
	#3—10 x 3 grate	11.75	6.10
	#5—8 x 3 egg		
	#8—3 x 1½ nut	10.15	5.60
Subdistrict 7, Sheridan	#9—1⅝ x 1 pea	8.65	4.85
	#3—10 x 3 grate	9.00	5.00
	#6—7 x 3 stove		
	#8—3 x 1½ nut	8.50	4.75
Bituminous coal produced in district 22:			
Subdistrict 1, Roundup	#1—6" lump	10.40	5.70
	#3—9 x 6 furnace	10.15	5.60
	#5—6 x 2 stove	10.00	5.50
	#7—2 x 1¼ nut	8.60	4.80
	#8—1⅝ x 1 pea	8.05	4.55
	#9—1¼ x ½ pea	7.00	4.00
	#10—1¼ x 0 slack	5.90	3.45
Subdistrict 2, Red lodge	#5—6 x 2 stove	10.25	5.65

(3) If you sell and deliver in the Great Falls Trade Area any one or more of the kinds and sizes of coal named in Part 1 of Table III set forth below, your maximum prices therefor are those specified in Part 1 of Table III; if you sell coal at your yard, your maximum prices for the kinds and sizes of bituminous coal are as set forth in Part 2 of Table III.

TABLE III—MAXIMUM PRICES

GREAT FALLS TRADE AREA

Kind	Size	Part 1—Delivered prices		Part 2—Yard prices per ton
		Per ton	Per ½ ton	
Bituminous coal produced in district 19:				
Subdistrict 7, Sheridan	#1—10" lump	$8.65	$4.85	$7.90
	#3—10 x 3 grate	8.25	4.65	7.50
	#8—2½ x 1½ nut	8.00	4.50	7.25
Bituminous coal produced in district 22:				
Subdistrict 1, Roundup	#1—6" lump	9.20	5.10	8.35
	#3—9 x 6 furnace	8.65	4.85	7.90
	#5—6 x 2 stove			
	#7—2 x 1¼ nut	8.15	4.60	7.40
	#9—1¼ x ¾ pea	7.25	4.15	6.50
Subdistrict 2, Red Lodge	#5—6 x 2 stove	9.25	5.15	8.50
	#7—2½ x 1¼ nut	8.20	4.60	7.45
Subdistrict 9, Bull Mountain	#5—6 x 2 stove	8.90	4.95	8.15
Subdistrict 7, Great Falls No. 1	#2—2" lump	7.15	4.10	6.40
	#3—9 x 6 egg			
	#6—3 x 2 nut	5.70	3.35	----------
	#10—1¼ x 0 slack	3.10	2.05	----------

(4) If you sell and deliver in the Missoula Trade Area any one or more of the kinds and sizes of coal named in Table IV set forth below, your maximum prices therefor are those specified in Table IV.

TABLE IV.—DELIVERED MAXIMUM PRICES

MISSOULA TRADE AREA

Kind	Size	Per ton	Per ½ ton
Bituminous coal produced in district 22:			
Subdistrict 2, Red Lodge	#3—9 x 6 furnace	$11.76	$6.40
	#5—6 x 2 grate	11.60	6.30
Subdistrict 1, Roundup	#7—2 x 1¼ nut	9.30	5.15
	#3—9 x 6 furnace	11.40	6.20
	#5—6 x 2 stove	11.05	6.00
	#7—2 x 1¼ nut	9.60	5.30
	#9—1¼ x ½ pea	8.15	4.80
	#10—1¼ x 0 slack	7.05	4.05
Bituminous coal produced in district 20:			
Subdistrict 1, Castlegate-Hiawatha	#11—1 x 0 slack	9.45	5.25
	#3—10 x 3 stove	12.65	6.85
Bituminous coal produced in district 19:			
Subdistrict 7, Sheridan	#8—3 x 1½ nut	9.90	5.45
	#3—10 x 3 stove	9.90	5.45
	#15—1⅝ x 0 slack	7.65	4.35
Subdistrict 5, Gebo-Kirby	#1—8" lump	13.05	7.05
	#3—3" lump, 8" lump and 10 x 5 stove		
Subdistrict 2, Rock Springs	#8—3 x 1½ nut	11.75	6.40
	#8—3 x 1½ nut	11.70	6.36
	#15—1⅝ x 0 slack	9.30	5.15

(5) If you sell and deliver in the Helena Trade Area any one or more of the kinds and sizes of coal named in Part 1 of Table V set forth below, your maximum prices therefor are those specified in Part 1 or Table V; if you sell coal at your yard, your maximum prices for the kinds and sizes of bituminous coal are as set forth below in Part 2 of Table V.

TABLE V—MAXIMUM PRICES

HELENA TRADE AREA

Kind	Size	Part 1—Delivered prices		Part 2—Yard prices per ton
		Per ton	Per ½ ton	
Bituminous coal produced in district 22: Subdistrict 1 and 2, Roundup and Red Lodge.	#1—6" lump	$10.10	$5.80	$9.10
	#3—9 x 6 furnace	9.80	5.65	8.80
	#5—6 x 2 stove	9.50	5.50	8.50
	#7—2 x 1½ nut	8.10	4.80	7.10
	#9—1¼ x ¾ pea	6.20	3.85	----------
	#10—1¼ x 0 slack	5.15	3.35	----------

(6) If in connection with a sale and delivery of coal made by you in the areas covered herein, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services follow:

Special service charges	Per ton	Per ½ ton
"Wheel-in"	$0.75	$0.50
"Pull-back" or "trimming"	.25	.15
"Carrying up or down stairs"	1.00	.60
Oil or chemical treatment	.25	.15

(e) *Determination of mixed coals prices.* If you mix sizes or kinds of coal your maximum price shall be the proportionate sum of the applicable maximum prices per net ton established in this order for each of the coals so mixed adjusted to the nearest five cents.

(f) *When transportation tax may be collected.* If on any purchase of coal made by you you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in sub-

paragraphs (1) (2) (3) (4) and (5) of paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately on your sales invoice, slip, ticket or other memorandum the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(g) *When import tax may be collected.* If on any purchase of coal made by you from out-of-state mines, you are required to pay the five cents per net ton tax imposed by the State of Montana, you may, in addition to the specific maximum prices established in subparagraphs (1) (2) (3) (4) and (5) of paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred or paid by you.

(h) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, as stated in paragraph (h) of this order, shall apply to all dealers selling and delivering coal in the areas covered herein with like force and effect as though the same were rewritten herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122 and orders issued thereunder.

(i) *Filing requirements.* Dealers whose prices are established by this order shall not be required to file prices with their local war price and rationing board as previously required in § 1340.-262 (c). However, prices for coals not specifically covered by this order shall be filed as required by that section.

(j) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into you shall not:

(1) Sell, or in the course of trade or business, buy solid fuels of the kinds and sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary discounts, differentials or allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such service; or

(v) Increasing your delivery charges, if any, for delivery outside the areas for which the maximum prices are herein set forth or increasing any interest rate on delinquent and past-due accounts over the rate or charge made by you in December 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(k) *An increase in your supplier's prices does not authorize you to increase your prices.* You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. These specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the Regional Administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(l) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(m) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1 except that it shall be filed with the Regional Administrator and acted upon by him.

(n) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(o) *Definitions.* (1) "Carry" or "wheel-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space when the physical condition of the premises is such as to prevent dumping or unloading directly into such bin or storage space.

(2) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by re-handling the same for the purpose of filling the bin.

(3) "Carrying up or down stairs" means generally the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(4) "Delivery" means delivery to the buyer's bin or storage space by dumping, chuting, or shovelling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

(5) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's coal yard or stock pile.

(6) "Dealer" means any person selling solid fuels of any kind or size for which a maximum price is established by this order for sales and deliveries made in the area covered herein and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(7) "Bituminous coal" means coal produced in District 19, 20 and 22 and any sub-districts thereof as set forth in the Minimum Price Schedules of the Bituminous Coal Division of the Department of the Interior and in effect as of midnight August 23, 1943.

(8) *"Area Descriptions."* (i) The maximum prices set forth in Table I hereof shall apply to the area contained within the municipal boundaries of the city of Billings, Montana. The above described area is referred to herein as the Billings Trade Area.

(ii) The maximum prices set forth in Table II hereof shall apply to the area contained within the municipal boundaries of the city of Butte, Montana and the suburban areas of Walkerville, Centerville, Meterville, Rocker, Green Addition and Ramsey. The above described area is referred to herein as the Butte Trade Area.

(iii) The maximum prices set forth in Table III hereof shall apply to the area contained within the municipal boundaries of the city of Great Falls, Montana. The above described area is referred to herein as the Great Falls Trade Area.

(iv) The maximum prices set forth in Table IV hereof shall apply to the area contained within the municipal boundaries of the city of Missoula, Montana and extending for a distance of five miles beyond the center of the city at all points. The above described area is referred to herein as the Missoula Trade Area.

(v) The maximum prices set forth in Table V hereof shall apply to the area contained within the municipal boundaries of the city of Helena, Montana. The above described area is referred to herein as the Helena Trade Area.

(p) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This order shall become effective November 8th, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9280, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 2d day of November 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-17900; Filed, November 4, 1943; 12:59 p. m.]

[Region VIII Order G–1 Under MPR 376, Amdt. 1]

CERTAIN FRESH FRUITS AND VEGETABLES IN SALINAS, CALIF.

Amendment No. 1 to Order No. G–1 under Maximum Price Regulation No. 376, as amended. Certain fresh fruits and vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 4 (c) of Maximum Price Regulation No. 376, as amended, *It is hereby ordered*, That paragraph (a) be amended to read as set forth below:

(a) The adjusted maximum price for sales of carrots f. o. b. Salinas, California, shall be as follows:

(1) For sales of bunched carrots with full tops packed in Los Angeles crates containing at least 6 dozen bunches per crate, with a minimum net weight of 72 pounds: $3.50 per crate, top ice extra.

(2) For sales of bunched carrots with full tops packed in any container other than a Los Angeles crate, with a minimum net weight of 12 pounds per dozen bunches: $.58 per dozen bunches, top ice extra.

(3) For sales of washed carrots with clipped tops packed in any container: $4.00 per 100 pounds, top ice extra.

(4) For sales of topped carrots (tops broken off): $3.00 per 100 pounds.

This amendment to Order No. G–1 shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1943.

LEO F. GENTNER,
Regional Administrator.

[F. R. Doc. 43–17894; Filed, November 4, 1943; 12:50 p. m.]

[Region VIII Order G–4 Under Rev. MPR 122]

BITUMINOUS COAL IN KELLOGG AREA, IDAHO

Order No. G–4 Under Revised Maximum Price Regulation 122. Maximum prices for certain sales of bituminous coal in Kellogg, Idaho, and specified adjacent vicinity.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Office of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *It is hereby ordered*, That specific maximum prices for deliveries of certain solid fuels made, and for services rendered in connection therewith, by all dealers in such fuels in the City of Kellogg, Idaho, be as hereinafter set forth:

(a) *What this order does*—(1) *In general.* This order establishes dollars-and-cents maximum prices for sales to consumers other than State and Federal governmental agencies by dealers with distribution yards in Kellogg, Idaho, of those certain kinds of bituminous coal hereinafter specified. The maximum prices established herein supersede those previously established by Revised Maximum Price Regulation No. 122 and are the only maximum prices applicable to the sales covered by this order. The maximum prices established by this order may not be increased to reflect increased mine prices or to reflect increased transportation or other costs except as expressly permitted herein.

(2) *Kinds of coal covered.* The maximum prices fixed by this order shall apply to, and shall apply only to the bituminous coals described in paragraph (b) hereof.

(3) *Types of sales covered.* This order applies to sales and only to sales of coal to consumers other than State and Federal governmental agencies. A sale to a public housing authority shall not be deemed a sale to a governmental agency when, by its terms, the contract of sale calls for delivery of the coal directly to individual tenants of such authority.

(4) *Area covered.* This order applies to, and only applies to, sales of bituminous coals made by retail coal dealers whose retail distribution yards are located in the city of Kellogg, Idaho.

(5) *Applicability of Revised Maximum Price Regulation No. 122.* Except as otherwise provided herein, the provisions of Revised Maximum Price Regulation No. 122 shall apply to all transactions which are subject to this order. Any violation of this order shall constitute a violation of Revised Maximum Price Regulation No. 122 and shall subject the person guilty of such violation to the penalties and liabilities prescribed by § 1340.264 of such regulation, as well as to the penalties presribed by the Emergency Price Control Act of 1942, as amended.

(6) *Definitions.* The following meanings shall be accorded the words and phrases used in this order:

(i) The term "delivered f. o. b. yard" means delivered at the dealer's distribution yard and loaded on the purchaser's wagon, truck, or other conveyance;

(ii) The term "delivered to buyer's premises" means delivered into the buyer's bin or other storage facility where such delivery can be made directly from the dealer's truck by use of shovels and/or chutes;

(iii) Unless expressly defined herein, all other words and phrases used in this order shall have the same meanings as the same terms are accorded in Revised Maximum Price Regulation No. 122 and the amendments thereto.

(b) *Maximum prices.* (1) The maximum prices for sales of the types of coal specified below delivered within the City of Kellogg, Idaho, shall be:

Type of coal	Delivered f. o. b. yard		Delivered to storage facility on buyer's premises			
	Ton	100 lb. sack	Ton	½ ton	500 lbs.	100 lb. sack
Utah and Rock Springs lump and stove, all sizes	$11.50	$0.75	$12.50	$6.75	$3.60	$0.85
Utah and Rock Springs nut, 3" x 1⅝"	10.75	.75	11.75	6.35	3.45	.85
Utah special stoker, treated, 1" x 3/16"	9.05	----------	9.80	5.40	2.95	----------
Utah slack, treated, 1⅝ x 0" or 1" x 0"	8.80	----------	9.55	5.25	2.90	----------

(2) *Discounts.* From the prices set forth in paragraph (b) (1), there must be given on all sales of slack and stoker coal a discount of $.25 per ton for delivery of five tons or more to a single purchaser at one time.

(3) *Packing charges.* Where delivery into the buyer's basement bin or other storage facility can be effected only by carrying the coal from the dealer's truck in tins, baskets, wheelbarrows, or other like containers, the maximum price hereinabove fixed for delivery to buyer's premises may be increased by a packing charge of not to exceed $1.00 per ton, provided such packing charge is separately stated in the seller's invoice or sales slip accompanying such sale.

(4) *Sales outside City of Kellogg, Idaho.* With respect to sales of coal involving deliveries to points located outside the City of Kellogg, Idaho, the maximum prices shall be the maximum prices established in subparagraphs (1), (2), and (3) of paragraph (b) hereof to which may be added the following amounts: (i) the amount, if any, customarily charged by such dealer during the month of December, 1941, for delivering an equal amount of coal an equal distance from said City of Kellogg; or (ii) if such dealer made no such deliveries during December, 1941, then the amount, if any, customarily charged for delivering an equal amount of coal an equal distance from said City of Kellogg by said dealer's closest competitor who did make such deliveries during December, 1941: *Provided however*, That in no case shall such additional delivery charge be made unless the same is stated separately on the seller's invoice or sales slip issued to the purchaser.

(c) *Taxes.* A dealer subject to this order may collect, in addition to the maximum prices established hereby provided he states the same separately on the invoice or sales slip issued to the purchaser), the amount of the Federal tax upon the transportation of property imposed by section 620 of the Federal Revenue Act of 1942 actually paid or incurred by him or an amount equal to the amount of such tax paid by any of his prior suppliers and which has been separately stated and collected from the dealer by the supplier from whom he purchased.

(d) *Less than maximum prices.* Less than maximum prices may be charged, paid, or offered.

(e) *Records and reports.* The provisions of § 1340.262 of Revised Maximum Price Regulation 122 shall apply to all dealers subject to the provisions of this order, except that the dollars-and-cents maximum prices established by this order need not be reported pursuant to paragraph (c) of said section.

(f) *Posting of maximum prices; use of sales slips and receipts.* (1) Every dealer subject to this order shall post at

his place of business in a manner plainly visible to and understandable by the purchasing public all of the maximum prices established herein which are applicable to his sales, and shall keep a copy of this order available for examination by any person during ordinary business hours.

(2) At or before the time of completion of delivery of the commodity sold, every dealer making sales subject to this order shall give to each purchaser an invoice or sales slip showing the name and address of the dealer; the name and address of the purchaser; the kind, type, and quantity of bituminous coal sold and the price thereof; and such special or additional charges, if any, which are required to be separately stated by other provisions of this order.

(g) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4881; RMPR 122, Sec. 1340.260, 8 F.R. 440)

Issued: October 19, 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-17895; Filed, November 4, 1943; 1 p. m.]

[Region VIII Order G-27 Under MPR 329]

FLUID MILK IN DOUGLAS COUNTY, ARIZ.

Order No. G-27 under Maximum Price Regulation No. 329, as amended. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, as amended, *It is hereby ordered:*

(a) The adjusted maximum price at which any purchaser may purchase milk from producers located in Douglas County, Nevada, f. o. b. producer's dairy, shall be as follows:

Bacteria count (per c. c.):	*Maximum price (per pound milk fat)*
Under 10,000	$0.88
10,000 and less than 20,000	.87
20,000 and less than 30,000	.86
30,000 and over	.85

(b) The adjusted maximum price for purchases of milk delivered to the purchaser's plant located in the city of Minden, Nevada, shall be the prices specified in paragraph (a) above plus an allowance for transportation of milk purchased from the producer's dairy to the purchaser's business location, computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall not exceed the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the producer, the transportation allowance shall not be greater than the amount which the purchaser allowed the particular producer during June, 1943.

(c) All terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329, unless the words clearly imply otherwise.

(d) This order may be revoked, amended or corrected by the Office of Price Administration at any time.

This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1943.

LEO F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-17896; Filed, November 4, 1943; 12:50 p. m.]

[Region III Order G-6 Under Rev. MPR 122]

SOLID FUELS IN LIMA, OHIO

Order No. G-6 under Revised Maximum Price Regulation No. 122. Maximum prices for solid fuels in the City of Lima, in the State of Ohio.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the City of Lima, in the State of Ohio. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in Lima, Ohio, or from or at a coal yard within such city; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-6 under Revised Maximum Price Regulation No. 122; but less than maximum prices may at any time be charged, paid or offered,

(2) Obtain a higher than ceiling price by

(i) Changing his customary allowances, discounts or other price differentials, or

(ii) Increasing any service charge or interest rate on debts over that charged in December, 1941, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly, or

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him.

(c) *Price schedule.* Immediately below and as part of this paragraph (c), is a schedule which sets forth maximum prices for sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for sales by direct delivery to consumers at any point in the City of Lima in the State of Ohio; and Column III shows maximum prices for yard sales to dealers purchasing for the purpose of resale. All sales shall be on a net ton weight basis.

Column I	Column II	Column III
I. Lump:		
A. High volatile bituminous coals:		
1. Produced in district 8, Mine price classifications ABCDE	$8.75	$8.25
2. Produced in district 8, all other price classifications	8.30	7.80
3. Produced in districts 3 and 6	8.30	7.80
4. Produced in district 4	7.45	6.95
B. Low volatile bituminous coals: Produced in districts 7 and 8	9.35	8.85
II. Egg:		
A. High volatile bituminous coals: Produced in districts 3, 6, and 8	8.05	7.55
B. Low volatile bituminous coals:		
1. Produced in district 8	9.45	8.95
2. Produced in district 7	9.15	8.65
III. Stoker:		
A. High volatile bituminous coals:		
1. Produced in districts 6 and 8	8.25	7.75
2. Produced in district 4	7.50	7.00
B. Low volatile bituminous coals: Produced in district 8	8.25	7.75
IV. Nut and slack bituminous coals—High volatile: Produced in district 8	7.45	6.95

A discount of not less than 50¢ per ton shall be given for sales of carload lots to consumers in the City of Lima, Ohio.

All terms used herein to describe size, volatility, mine price classification and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by the above schedule shall be the maximum prices applicable for such sales under Revised Maximum Price Regulation No. 122, as amended.

(e) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement.

(f) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(g) *Petitions for amendment.* (1) Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(2) Right of amendment or revocation. The Regional Administrator or Price Administrator may amend, revoke, or

rescind this order, or any provision thereof, at any time.

(h) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing and registration of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but a dealer may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(i) *Records.* Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(j) *Posting of maximum prices: sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(k) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Office of Price Administration.

(l) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to terms used herein, and in full force and effect.

(m) To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This Order No. G-6 under Revised Maximum Price Regulation No. 122 shall become effective October 27, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued October 27, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43-17913; Filed, November 4, 1943; 4:48 p. m.]

[Region VII Order G-16 Under Rev. MPR 122]

SOLID FUELS IN CERTAIN TRADE AREAS IN WYOMING

Order No. G-16 under Revised Maximum Price Regulation 122. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, it is hereby ordered:

(a) *Geographical applicability.* This order shall apply to the following trade area in the State of Wyoming: Cheyenne Trade Area. The boundaries of this trade area are as specifically set forth in paragraph (n).

(b) *What this order does.* If you are a dealer in bituminous coal, you will find set forth in this order under Table I the maximum prices which you may charge for sales and deliveries made by you from your place of business in the specific area served; and if you are a purchaser in the course of trade or business the prices set forth herein in Table I are the maximum prices which you may pay any coal dealer in the specific area covered for the kinds, sizes and quantities of coals specified in said tables when purchased in his place of business in the particular area covered.

(c) *To what sales this order applies.* If you sell coal of the kind specified herein and make delivery thereof to any person within the areas covered, the maximum price which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Table I in this order.

(d) *Specific maximum prices.* (1) If you sell and deliver in the Cheyenne Trade Area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices for such delivered sales are those specified in Part 1 of said Table I; if you sell from your yard in the Cheyenne Trade Area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices therefor are those specified in Part 2 of said Table I.

TABLE I.—MAXIMUM PRICES

CHEYENNE TRADE AREA

Kind	Size	Part 1—Delivered prices		Part 2—Yard prices per ton
		Per ton	Per ½ ton	
Bituminous coal produced in District 19:				
Subdistrict 2, Rock Springs	#1—8" lump	$10.75	$5.75	$9.75
	#7—5 x 1½ nut	9.55	5.05	8.55
	#8—3 x 1½ nut	9.25	4.90	8.25
	#15—1½ x 0 slack	[1]6.85	3.70	6.35
Subdistrict 3, Hanna-Rawlins, Elk Mountain coal by truck only.	#1—8" lump	9.65	5.10	8.65
	#8—3 x 1½ nut	9.20	4.85	8.20
	#15—1½ x 0 slack	[1]6.80	3.65	6.30
Bituminous coal produced in district 16:				
Subdistricts 1, 2, and 4, Louisville, Lafayette & Marshall No. 4.	#2—8" lump	10.45	5.50	9.45
	#9—1½ x ¾ pea	[1]6.65	3.60	6.15
	#11—1½ x 0 slack	[1]5.95	3.25	5.45
Subdistricts 6 and 8, Erie and Frederick	#2—8" lump	9.75	5.10	8.75
	#9—1½ x ¾ pea	[1]6.60	3.55	6.10
	#11—1½ x 0 slack	[1]5.95	3.25	5.45

[1] Pea and slack prices per net ton are based on sales in lots of 2 ton or more. On sales of pea or slack of less than 2-ton the maximum price shall be the listed price per net ton plus 25¢.

(2) If in connection with a sale and delivery of coal made by you in the areas covered herein, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated:

Special service charges	Per ton	Per ½ ton
"Wheel-in"	$0.50	$0.35
"Pull-back" or "trimming"	.25	.15
"Carrying up or down stairs"	1.00	.60
Oil or chemical treatment	.25	.15

(e) *Determination of mixed coals prices.* If you mix sizes or kinds of coal, your maximum price shall be the proportionate sum of the applicable maximum prices per net ton established in this order for each of the coals so mixed adjusted to the nearest five cents.

(f) *When transportation tax may be collected.* If on any purchase of coal made by you, you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in subparagraph (1) of paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased: *Provided,* You state separately on your sales invoice, slip, ticket or memorandum, the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(g) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, as stated in paragraph (h) of this order, shall apply to all dealers selling and delivering coal in the areas covered herein with like force and effect as though the same were re-written herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122 and orders issued thereunder.

(h) *Filing requirements.* Dealers whose prices are established by this order shall not be required to file prices with their local war price and rationing board as previously required in § 1340.262 (c). However, prices for coals not specifically covered by this order shall be filed as required by that section.

(i) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into you shall not:

(1) Sell, or in the course of trade or business, buy solid fuels of the kinds and sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary discounts, differentials or allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such services; or

(v) Increasing your delivery charges, if any, for delivery outside the areas for which the maximum prices are herein set forth or increasing any interest rate on delinquent and past-due accounts over the rate or charge made by you in December 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(j) *An increase in your supplier's prices does not authorize you to increase your prices.* You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. These specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the Regional Administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(l) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor with the Regional Administrator and in accordance with the provisions of Revised Procedural Regulation No. 1.

(m) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(n) *Definitions.* (1) "Carry" or "wheel-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space when the physical condition of the premises are such as to prevent dumping or unloading directly into such bin or storage space.

(2) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by re-handling the same for the purpose of filling the bin.

(3) "Carrying up or down stairs" means generally the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(4) "Delivery" means delivery to the buyer's bin or storage space by dumping, chuting, or shovelling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

(5) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's coal yard or stock pile.

(6) "Dealer" means any person selling solid fuels of any kind or size for which a maximum price is established by this order for sales and deliveries made in the area covered herein and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(7) "Bituminous coal" means coal produced in Districts 16 and 19 and any subdistricts thereof as set forth in the Minimum Price Schedules of the Bituminous Coal Division of the Department of the Interior and in effect as of midnight, August 23, 1943.

(8) *"Area descriptions".* (i) The maximum prices set forth in Table I hereof shall apply to the area contained within the municipal boundaries of the city of Cheyenne, Wyoming and extending 1½ miles beyond at all points. The above described area is referred to herein as the Cheyenne Trade Area.

(o) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with The Federal Reports Act of 1942.

Effective date. This order shall become effective November 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9280, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-17915; Filed, November 4, 1943; 4:49 p. m.]

[Region III Order G-1 Under MPR 188]

CONCRETE BLOCKS IN MICHIGAN

Order Number G-1 under Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.161 (a) (2) of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) Any manufacturer within the area composed of Wayne County, Michigan, and those portions of Oakland and Macomb Counties, Michigan, lying south of the Fifteen Mile Road, so called, may charge and receive not to exceed the maximum prices established by this order for the listed concrete blocks, when the sale and delivery pursuant thereto occurs within the limits of the said area composed of Wayne County, Michigan, and those portions of Oakland and Ma-

comb Counties, Michigan lying south of the Fifteen Mile Road, so called.

Commodity concrete blocks:	*Adjusted maximum prices*
8 x 8 x 16 plain blocks	$0.13
8 x 8 x 8 plain halves	.12
8 x 8 x 16 plain corners	.17
8 x 8 x 8 plain ½ corners	.13
8 x 8 x 16 plain pilasters	.19
8 x 8 x 16 plain slotted	.19
8 x 8 x 8 plain slotted ½'s	.15
8 x 8 x 16 solid	.24
8 x 8 x 8 half solid	.15
12 x 8 x 16 plain blocks	.17½
12 x 8 x 16 grade blocks	.20
12 x 8 x 8 plain halves	.15
12 x 8 x 12 plain pier blocks	.19
12 x 8 x 16 plain corners	.22
12 x 8 x 8 plain ½ corners	.17
12 x 8 x 16 plain pilasters	.24
12 x 8 x 16 plain slotted	.24
12 x 8 x 8 plain slotted ½'s	.20
4 x 8 x 12 plain solid slabs	.13
4 x 8 x 16 plain solid slabs	.13
4 x 8 x 16 hollow slabs	.12
8 x 8 x 18 plain blocks	.14
8 x 8 x 18 plain corners	.17½
8 x 8 x 9 plain ½ corners	.13
8 x 8 x 18 plain pilasters	.20
12 x 8 x 18 plain blocks	.18½
12 x 8 x 18 grade blocks	.21
3 x 8 x 12 plain solid slabs	.11
4 x 8 x 18 plain solid slabs	.14

(b) Notwithstanding the provisions of section (a) above, any manufacturer of concrete blocks within said designated area whose present legally established maximum price or prices for such concrete blocks is in excess of the maximum price or prices established by this order may continue to charge and receive not to exceed such higher legally established maximum price or prices.

(c) This order may be amended, modified, or revoked at any time by the Office of Price Administration.

This order shall become effective October 28, 1943.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4651)

Issued October 28, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43-17912; Filed, November 4, 1943; 4:48 p. m.]

[Region IV Order G-10 Under Rev. MPR 122]

SOLID FUELS IN VIRGINIA

Order No. G-10 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the Counties of Henrico and Chesterfield in the State of Virginia and the independent city of Richmond, Virginia.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, it is ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point within the boundaries of the independent city of Richmond, Virginia, and within the boundaries of Henrico and Chesterfield Counties, Virginia.

(2) This order contains a price schedule applicable to sales of high and low volatile bituminous coal from District No. 7 and District No. 8.

(b) *What this order prohibits.* Regardless of any obligation, no person shall

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-10 but less than maximum prices may at any time be charged, paid or offered,

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this order;

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him; or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule; sales on a "direct delivery or domestic" basis*—(1) *Consumer sales.* This price schedule sets forth maximum prices for sales of specified solid fuels when the delivery is made to any point within the boundaries of the independent city of Richmond, Virginia, and within the boundaries of Henrico and Chesterfield Counties, Virginia.

LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg (double screened)	$12.55	$6.78	$3.89
Egg (single screened)	11.55	6.28	3.64
Stove size (double screened)	12.20	6.60	3.80
Stove size (single screened)	11.20	6.10	3.55
Nut size (double screened)	10.75	5.88	3.44
Nut size (single screened)	10.35	5.67	3.34
Pea stoker	10.00	5.50	3.25
Run-of-mine (screened)	9.85	5.43	3.22
Run-of-mine (straight)	9.85	5.43	3.22
Nut and slack	9.50	5.25	3.13

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Egg (double screened)	$10.45	$5.73	$3.37
Egg (single screened)	9.95	5.48	3.24
Stove size (double screened)	10.45	5.73	3.37
Stove size (single screened)	9.95	5.48	3.24
Run-of-mine (screened)	9.40	5.20	3.10

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Lump	$11.05	$6.03	$3.52
Egg (double screened)	10.50	5.75	3.38
Egg (single screened)	10.05	5.53	3.27
Stove size	9.80	5.40	3.20
Nut size-pea size stoker	10.00	5.50	3.25
Run-of-mine	8.85	4.93	2.97

PENNSYLVANIA ANTHRACITE COALS

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Anthracite, egg, stove, and nut	$15.35	$8.18	$4.59
Anthracite, pea	13.50	7.25	4.13
Anthracite, rice	11.75	6.38	3.69

BRIQUETTES

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
Briquette	$12.65	$6.38	$3.92

COKE

Egg and nut	$13.75	$7.38	$4.19
Foundry	14.50	7.75	4.38

(2) *Coal sold in bags or sacks.*

COAL SOLD IN 100 POUND SACKS

	Delivered price	Cash carry at yard
Low volatile egg and stove	$0.75	$0.65
Semismokeless egg and stove	.60	.50
High volatile egg and stove	.60	.50
Pennsylvania anthracite (all sizes)	.90	.80

A dealer may refuse orders for delivery of less than 200 pounds. The dealer may charge no more than ten cents per 100 pound bag when he furnishes bags to the consumer.

An additional charge of no more than $3.50 per ton may be made for putting up coal in 12 pound bags for sales of not less than one ton.

When coal is sold in 12 pound bags, the maximum prices are 9 cents for one, 25 cents for three.

When coal is sold in 12 pound bags to retailers, the maximum price is 7½ cents per bag.

(3) *Maximum authorized service charges and deductions.* (i) *Carry or wheel service:* If buyer requests such service the dealer may charge not more than 50¢ per ton for such service, if wheelbarrow is used and not more than 75¢ per ton for bagged coal.

(ii) *Carry up or down stairs:* If buyer requests such service dealer may charge not more than $1.00 for such service.

(iii) *Yard sales:* When the buyer picks up coal at the dealers yard, the dealer must reduce the domestic price $1.00 per ton. On sales to other dealers at the yard, the dealer must reduce the domestic price $1.50 per ton.

(iv) *Quantity:* When the buyer purchases more than 40 tons and up to 200 tons per year, the dealer must reduce the domestic price 50 cents per ton, and when the buyer purchases more than 200 tons per year, the dealer must reduce the domestic price $1.00 per ton.

(v) *Credit:* No additional charges over the prices listed in this schedule may be made for the extension of credit.

(vi) *Discounts:* If payment is made within 10 days from date of delivery,

$1.00 per ton shall be deducted from the prices listed in that part of the schedule setting maximum prices for consumer sales. If payment is made within 30 days from date of delivery, 50¢ per ton shall be deducted from the prices listed in Schedule 1 of this order.

(vii) *Delivery charges:* The dealer may make no charges for delivery within the corporate limits of the city or town in which the coal dealer's yard is located. For deliveries beyond the corporate limits of a city or town in which the coal dealer's yard is located, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city or town with a minimum charge of 50¢ for each such delivery, said mileage being determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(d) *Ex parte 148 freight rate increase: transportation tax.*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (n) (2). (This tax need not be stated separately on sales to the United States or any agency thereon; see Amendment 12 to Revised Maximum Price Regulation 122.) No part of this tax may be collected in addition to the maximum prices on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occuring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Power to amend or revoke.* The price administrator or Regional Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(g) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(1) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is granted to all persons selling, at retail, commodities for which maximum prices are established. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(h) *Records and reports.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

It is not necessary that these maximum prices be filed with the War Price and Rationing Boards.

(i) *Posting of maximum prices: Sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (n) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Richmond, Virginia, District Office of the Office of Price Administration.

(k) *Definitions and explanations.* When used in this Order No. G–10, the term

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, dispose, barter, exchange, supply, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

"Direct delivery" of bagged fuel or any fuel in quarter-ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" and "carry up or down stairs" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(8) "High volatile bituminous coal" and "low volatile bituminous coal" refer to coal produced in certain sections of the producing districts specified herein.

(9) "Egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943, except that "run-of-mine" shall be that size sold as such by the dealer.

(10) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(l) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

Order G–1 under MPR 122 setting forth maximum prices for 12 lb. bags of coal sold and delivered within the boundaries of the independent City of Richmond, Virginia, and within the boundaries of Henrico and Chesterfield Counties, Virginia, issued the 29th day of December 1942 by the Atlanta Regional Office and effective December 30, 1942, is hereby revoked.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order No. G-10 shall become effective November 8, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued November 3, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-17914; Filed, November 4, 1943; 4:48 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-808]

PENNSYLVANIA ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of November, 1943.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company; and

All interested persons are referred to the said application-declaration which is on file in the office of the said Commission for a statement of the transactions therein proposed which are summarized below:

Pennsylvania Electric Company proposes to refinance its cumulative preferred stock, 5.10% Series A, of which there are 34,000 shares outstanding, by making an offer of exchange to the present holders whereby they will be afforded the opportunity to exchange each share of their present stock for one share of 4.40% preferred stock of the company, plus $1.00 in cash. Any shares of 5.10% preferred stock not exchanged will be called for redemption at their redemption price of $108.75 per share, plus accrued dividends, and funds for said redemption will be obtained through the sale to underwriters of the shares of the 4.40% preferred stock not issued as a result of exchanges. Pennsylvania Electric Company also proposes to enter into an agreement with Mellon Securities Corporation and The First Boston Corporation, providing for the services of said corporations in furthering the exchange and also providing that said corporations will purchase from Pennsylvania Electric Company, at $108.75 per share, plus accrued dividends, such number of the shares of 4.40% preferred stock as have not been issued on exchanges.

The said application-declaration contains a request that the Commission enter an order finding that, with respect to the proposed issuance and sale of stock, compliance with paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate.

Applicants-declarants have designated sections 6 and 12 (c) of the Act and Rules U-42 and U-50 as applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on November 12, 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application-declaration, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed transactions are appropriate and in the public interest and the interest of investors and consumers;

2. Whether compliance with the requirements of paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate under the circumstances;

3. The propriety of the proposed accounting treatment of the proposed transactions on the books of the applicants-declarants;

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors; and

5. Whether the proposed transactions comply with all the provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-17889; Filed, November 4, 1943; 2:20 p. m.]

[File No. 70-807]

CONSOLIDATED ELECTRIC AND GAS COMPANY AND THE RALEIGH GAS COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of November 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Electric and Gas Company, a registered holding company, and its subsidiary, The Raleigh Gas Company.

All interested persons are referred to said declaration or application (or both) which is on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

The Raleigh Gas Company proposes to sell all its assets to Charles B. Zeigler, of Gastonia, North Carolina, such assets consisting of property, real and personal, used in the manufacture and distribution at retail of manufactured gas in the city of Raleigh, North Carolina, for a basic purchase price of $217,869.65 in cash and the assumption by the purchaser (or his nominee) of all outstanding contracts, obligations, and liabilities of the selling company existing at the time of the closing of the proposed sale, except (a) any indebtedness then owed by the selling company to its parent company, and (b) any liability of the selling company for federal income and excess profits taxes for the year 1943 or any prior years.

All outstanding securities of The Raleigh Gas Company are owned by Consolidated Electric and Gas Company and pledged under an indenture securing certain bonds, assumed by Consolidated Electric and Gas Company, known as Federated Utilities, Inc. First Lien Collateral Trust Bonds, 5½% Series, due March 1, 1957. The proceeds of the sale by The Raleigh Gas Company are to be paid over to Consolidated Electric and Gas Company either in payment of intercompany indebtedness or in the form of liquidating dividends, and will then be deposited by the latter company with the trustee under the indenture securing the above mentioned bonds and used to effect the retirement of bonds of said series by the purchase thereof in the open market.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matter under the applicable provisions of said Act and rules of the Commission thereunder be held on November 15, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Street, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held;

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Consolidated Electric and Gas Company, The Raleigh Gas Company, and the North Carolina Utility Commission; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before November 12, 1943 his request or appli-

cation therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application and declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be received for the assets of The Raleigh Gas Company is adequate;

(2) Whether the proposed use of the proceeds of the sale of said assets in the acquisition of Federated Utilities, Inc. bonds on the open market is in conformity with the applicable provisions of the Act;

(3) Generally, whether in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the Act or the rules and regulations promulgated thereunder.

(4) Whether, if the proposed transactions are authorized, the imposition of terms and conditions is necessary and appropriate in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-17890; Filed, November 4, 1943; 2:20 p. m.]

[File No. 59-10]

WASHINGTON RAILWAY AND ELECTRIC CO. AND WASHINGTON AND ROCKVILLE RAILWAY CO. OF MONTGOMERY COUNTY

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2d day of November, 1943.

In the matter of the North American Company and its subsidiary companies, respondents; File No. 59-10.

The Commission having, by an order dated April 14, 1942 entered in the above styled and numbered matter pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed Washington Railway and Electric Company and The Washington and Rockville Railway Company of Montgomery County, both registered holding companies, to dispose of their interests in certain companies as designated therein; and having by the terms of said order reserved jurisdiction to enter such further orders as it might deem necessary or appropriate; and

The Commission having, by an order dated June 4, 1943, granted an extension of time until October 14, 1943 for compliance with said order of April 14, 1942 without prejudice, however, to the respondents to apply for additional extensions; and

The respondents, Washington Railway and Electric Company and The Washington and Rockville Railway Company of Montgomery County, having filed a further application pursuant to section 11 (c) of said Act requesting an additional extension of time for six months within which to comply with said order of April 14, 1942;

It appearing to the Commission, in view of the pendency of proceedings for review, under section 24 (a) of the Act, of said order of April 14, 1942, that an extension of time is appropriate;

It is hereby ordered, That the time for compliance with said order of April 14, 1942 be and hereby is extended for an additional period of six months from October 14, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-17891; Filed, November 4, 1943; 2:20 p. m.]

[File Nos. 54-79; 59-52]

NIAGARA HUDSON POWER CORPORATION, ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of November 1943.

In the matter of Niagara Hudson Power Corporation, Buffalo, Niagara and Eastern Power Corporation, File No. 54-79; Niagara Hudson Power Corporation and its subsidiary companies, File No. 59-52.

The Commission having on June 28, 1943 designated October 19, 1943, as the date for hearing in the above consolidated proceeding involving the application of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, under section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a "Plan of Reorganization of the Niagara Hudson System" and the proceeding instituted by the Commission under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of said Act with respect to said Niagara Hudson Power Corporation and its subsidiary companies; and

The Commission having on October 7, 1943 postponed said hearing to November 9, 1943, because of the pendency of hearings before the New York State Public Service Commission with respect to certain phases of said plan; and

The Commission having been advised that said hearings before the New York State Public Service Commission are still in progress and will reconvene on November 8, 1943, and the Commission deeming it appropriate under the circumstances that the date for hearing be further postponed;

It is ordered, That the hearing in this matter previously scheduled for November 9, 1943, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be, and hereby is, postponed to December 7, 1943, at the same hour and place and before the same trial examiner as heretofore designated.

It is further ordered, That the time within which any person desiring to be heard or otherwise to participate in said proceedings shall file his request or application therefor with the Secretary of the Commission, as provided by Rule XVII of the Commission's rules of practice, be, and the same hereby is, extended to December 2, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-17952; Filed, November 5, 1943; 11:27 a. m.]

[File Nos. 54-49, 70-427, 50-534 and 59-30]

VIRGINIA PUBLIC SERVICE CO., ET AL.

ORDER DIRECTING DISPOSITION OF FUNDS AND APPROVING AMENDED PLAN OF RECAPITALIZATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2nd day of November, A. D. 1943.

In the matter of Virginia Public Service Company, File Nos. 54-49 and 70-427; General Gas & Electric Corporation, File No. 70-534; Associated Gas and Electric Company and Stanley Clarke, Trustee thereof, in his capacity as such. Associated Gas and Electric Corporation and Willard L. Thorp and Denis J. Driscoll, Trustees thereof, in their capacity as such. General Gas & Electric Corporation, Southeastern Electric and Gas Company, Virginia Public Service Company, File No. 59-30.

Proceedings having been instituted by the Commission pursuant to sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935 with respect to Virginia Public Service Company, a public-utility company in the Associated Gas and Electric Company system; a proceeding having been instituted under section 12 (d) of said Act with respect to General Gas & Electric Corporation, a registered holding company, parent of Virginia Public Service Company; and other proceedings having been instituted upon applications filed by Virginia Public Service Company under sections 6 (b) and 11 (e) of said Act;

All the foregoing proceedings having been duly consolidated by order of the Commission; hearings having been held after appropriate notice; and the Commission having been fully advised and having entered its findings, opinion and order on May 22, 1942, its findings and opinion on October 15, 1943, and its supplemental findings this day;

It appearing that the plan of Virginia Public Service Company, as amended, provides for a fair and equitable recapitalization of said company for the purpose of fairly and equitably dis-

tributing voting power among its security holders, conforming with the Commission's findings and opinion of October 15, 1943, and providing among other things for the following transactions:

(a) The return to Virginia Public Service Company of $1,165,166, being the fund held in escrow pursuant to the Commission's order entered herein May 22, 1942;

(b) The issuance by Virginia Public Service Company of 444,840 shares of New Common Stock, with a par value to be determined in accordance with the formula specified in the plan, as amended, in extinguishment of 40,440 shares of presently outstanding Preferred Stock 7% Series ($100 par value) and all unpaid dividend accumulations thereon;

(c) The issuance by Virginia Public Service Company of 537,640 shares of said New Common Stock in extinguishment of 53,764 shares of presently outstanding Preferred Stock 6% Series ($100 par value) and all unpaid dividend accumulations thereon; and

(d) The issuance by Virginia Public Service Company of 97,169 shares of said New Common Stock in extinguishment of 782,000 shares of presently outstanding Common Stock ($1 par value); and

Virginia Public Service Company having requested that the Commission enter herein its order approving said plan as amended, and that the Commission's order conform to, and set forth the recitals specified in, the Internal Revenue Code, as amended, in satisfaction of the provisions of section 1808 (f) thereof;

The Commission finds that the foregoing transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and to make effective the Commission's order herein; *And it is hereby ordered*, Subject to the terms and conditions enumerated below:

(1) That pursuant to section 11 (e) of said Act, said plan as amended be and it hereby is approved; and

(2) That the issuance and exchanges of securities above described be and they hereby are authorized, permitted and approved to effectuate the provisions of section 11 (b) of said Act within the meaning of section 373 (a) of the Internal Revenue Code, as amended.

This order is subject to the following terms and conditions:

1. That jurisdiction be and it hereby is reserved to the Commission to approve, disapprove, modify, allocate or award by further order or orders all fees and expenses incurred or to be incurred in connection with said plan, the transactions incident thereto, and the consummation thereof, except the fees of counsel for Virginia Public Service Company specified below;

2. That jurisdiction be and it hereby is reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action, as it may deem appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof; and

3. That this order shall not be operative to authorize the consummation of transactions proposed in the plan as amended until an appropriate federal district court shall, upon application thereto, enter an order enforcing such plan.

And it is hereby further ordered, That the Commission hereby releases jurisdiction (reserved in its order entered herein May 22, 1942) over fees of $53,000 proposed to be paid to counsel for Virginia Public Service Company for services rendered principally in connection with the debt financing effected in 1942, and hereby approves payment of an additional fee to said counsel, of not exceeding $1,000, for services rendered on the plan and amendments thereto since July 16, 1942.

And Virginia Public Service Company having requested the Commission, pursuant to section 11 (e) of the Act, to apply to a court in accordance with the provisions of subsection (f) of section 18 of the Act to enforce and carry out the terms and provisions of the plan, as amended: *It is hereby ordered*, That Virginia Public Service Company shall mail to each of its stockholders of record a copy of the Commission's findings and opinion entered herein October 15, 1943, together with a copy of its supplemental findings entered this day; said mailing to be made at the same time as the mailing of the first notice of a hearing on the plan which the court may require in connection with the proceeding for the enforcement of said plan, and to stockholders as of such record date as may be fixed in such order of the court.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-17951; Filed, November 5, 1943; 11:27 a. m.]

[File No. 70-809]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of November 1943.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Electric and Gas Company, a subsidiary of Public Service Corporation of New Jersey, in turn a subsidiary of The United Corporation, a registered holding company.

All interested persons are referred to said declaration, which is on file at the offices of the Securities and Exchange Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Public Service Electric and Gas Company proposes to reduce the stated value of its 17,885,290 shares of no par value common stock, presently carried on the books at $196,205,800, to $170,000,000. The number of shares outstanding will not be reduced. The amount of the proposed reduction, $26,205,800, will be set up in a separate account designated "Capital Surplus", which, declarants state, together with the earned surplus and reserves of the company, will be sufficient to cover any adjustments of items on the books of the company which may result from order by the Federal Power Commission or the Board of Public Utility Commissioners of the State of New Jersey, or which the Board of Directors of the company may determine desirable.

It appearing to the Commission that it is appropriate, in the public interest and the interests of investors and consumers, that a hearing be held with respect to said matter, and that said declaration shall not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on such matter, under the applicable provisions of said act and the rules promulgated thereunder, be held on November 18, 1943 at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing-room clerk in Room 318 will advise as to the room in which said hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice, on or before November 15, 1943.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the "Capital Surplus" to be created, together with the earned surplus and reserves of the company, will be sufficient to cover all necessary adjustments of items in the property accounts.

2. Whether the proposed transaction is in the public interest and the interests of investors and consumers, and not in contravention of the applicable provisions of the act, and the rules and regulations promulgated thereunder.

3. Whether and to what extent it is appropriate, in the public interest or for the protection of investors or consumers, that terms and conditions be imposed with respect to the proposed transactions, including conditions with respect to any charges to be made against the capital surplus proposed to be created.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-17953; Filed, November 5, 1943; 11:27 a. m.]

[File Nos. 54-45; 59-48]

SOUTHERN UNION GAS CO., ET AL

SUPPLEMENTAL ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of November, A. D. 1943.

In the matters of Southern Union Gas Company, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company, Southern Union Production Company, File No. 54-45; Southern Union Gas Company, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company, Southern Union Production Company, Angels Peak Oil Company, Congress Oil Company, and Summit Oil Company, File No. 59-48.

The Commission having, on September 19, 1942, entered an order approving a plan submitted by Southern Union Gas Company, a registered holding company, and its principal subsidiaries, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, and rules and regulations of the Commission promulgated thereunder, and said plan providing for, and the Commission by said order having directed, among other things, the divestment by Southern Union Gas Company (formerly Texas Southwestern Gas Company), the surviving holding company under said plan, of all interest in its non-utility subsidiary company, Quanah Water Company;

The Commission by its said order of September 19, 1942, having reserved jurisdiction to make such further and supplemental findings, to approve the terms and conditions, and to take such additional and further action as might be found by it to be appropriate in the premises, in connection with the required disposition of assets by the surviving holding company and its subsidiaries; and

Southern Union Gas Company having filed, on October 1, 1943, an amendment to said plan requesting approval of a proposed disposition of its interest in said Quanah Water Company, the same being represented by (1) non-current open account indebtedness in the amount of $36,582.00 as of July 31, 1943, (2) current open account indebtedness in the amount of $4,207.00 as of the same date, and (3) ownership of all the stock of Quanah Water Company consisting of 500 shares of common stock of the par value of $1 per share, by (a) the transfer and delivery of said common stock to Frank A. O'Neill and Edmund J. Haugh, of Chicago, Illinois, individuals stated not to be affiliated with any companies of the Southern Union Gas Company system and by (b) settlement of said open account indebtedness; said transferees, in turn, to pay nothing for such stock but to pay into the treasury of Quanah Water Company the sum of $32,000 in cash and to cause Quanah Water Company to pay said sum forthwith to Southern Union Gas Company, which proposes to accept the same in full discharge and satisfaction of the non-current indebtedness above mentioned, Quanah Water Company to pay in cash any balance of the current open account indebtedness of that company to Southern Union Gas Company existing at the time of the consummation of the proposed transactions;

Southern Union Gas Company proposing to apply the cash so to be received by it (other than the cash payment of any current indebtedness) in the acquisition and retirement of its bonds or debentures or in the acquisition of capital assets; and

It appearing to the Commission that the disposition by Southern Union Gas Company of its interest in Quanah Water Company and the application of the proceeds arising therefrom, as presently proposed, are appropriate steps in compliance with the Commission's said order of September 19, 1942, and that jurisdiction should be released in respect thereof;

It is ordered, That the jurisdiction heretofore reserved to this Commission in respect of the disposition of the interest of Southern Union Gas Company in Quanah Water Company be, and the same is hereby, released: *Provided, however*, That said divestment of interest and application of the proceeds arising therefrom be consummated in accordance with the terms, conditions and representations set forth in the above mentioned amendment whereby authorization therefor is sought;

It is further ordered, That in all other respects the provisions of said order of this Commission entered herein on September 19, 1942 be, and the same are hereby, continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-17950; Filed, November 5, 1943; 11:27 a. m.]